

## Concerned, Curious, Confused?

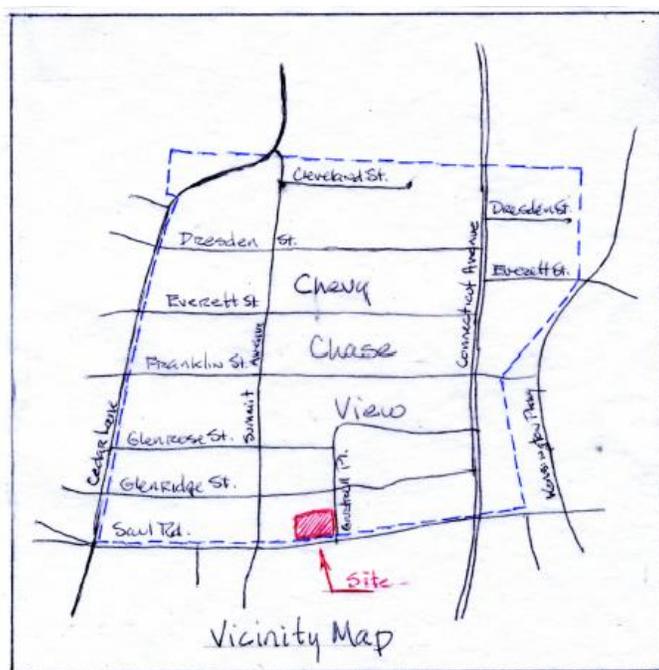
What is this Proposed Saul Road Subdivision All About?

The Chevy Chase View Town Council and Town Manager have been actively monitoring the subdivision plan for 4201 and 4205 Saul Road since late 2016. We are listening to the many comments and fielding questions, and think there is still important information we can share with you.

Norton Land Design filed the subdivision application with Maryland-National Capital Park and Planning Commission (M-NCPPC) on February 23, 2018, and proposes to subdivide one lot into two lots and move the lot line on the second lot. The following information is based upon this application as submitted to M-NCPPC on February 23, 2018 (Preliminary Plan No. 120180160).

### Q. What property is proposed to be subdivided?

A. Lot 13 (4201 Saul Road) and Lot 21 (4205 Saul Road), located at the north-west quadrant of the intersection of Saul Road and Gartrell Place, at the southern boundary of the Town of Chevy Chase View.



### Q. Why are these two lots being re-zoned into three lots? Who regulates lot size?

A. These lots are NOT being re-zoned. The Town has always been zoned R-90, which requires a minimum lot size of 9,000 square feet. The County requires a minimum lot width of 75 feet, while the Town is more restrictive with a minimum of 100 feet. All three of the proposed lots in this application meet both the Town and County lot width requirements.

**Q. Who regulates the subdivision process?**

A. According to State law, the subdivision of land within the Town is regulated by M-NCPPC, and not the Town. However, State law provides that, before the M-NCPPC Planning Board approves a subdivision plan, a municipal government may provide a recommendation, if it wishes. The recommendation is not binding, but a two-thirds majority vote of the Planning Board would be required to override the Town's recommendation.

**Q. What will be the size of the proposed lots? How will these proposed lots compare with other lots in the Town?**

A. The subdivision proposal is to divide Lot 13 into two lots, and to move the lot line on Lot 21. This would create two lots that are over 12,000 square feet each, and one lot that is approximately 24,000 square feet. The two smaller lots would be larger than approximately 12% of the 309 current lots in the Town.



**Q. There are a lot of trees on this property. How can the Town protect the removal of these trees? Aren't we losing a lot of green space?**

A. The Town does not regulate trees on private property, just the trees in the Town right-of-way. Pepco has recommended that some of these private trees be removed to protect power lines.

The Town regulates building setbacks, but not "green space" or building coverage. The Town building regulations can be viewed on the Town website. Subsequent construction would need to comply with Town and County building regulations. The County does regulate building coverage. The County building regulations for the R-90 zone are summarized here:

<https://permittingservices.montgomerycountymd.gov/DPS/pdf/DevelopmentStandardsForR90Zone.pdf>

**Q. How does the M-NCPPC review process work? Who makes decisions regarding proposed subdivisions?**

A. There are two phases in the subdivision process, (1) Staff Evaluation and Analysis, and (2) Planning Board's Public Hearing. The process begins when a reviewer is assigned to the subdivision submission. As of March 25, 2018, a reviewer has NOT yet been assigned. The reviewer is tasked with analyzing, evaluating and coordinating input from environmental and transportation staff and the Development Review Committee (DRC). The DRC is an interagency task force composed of representatives from public agencies and utilities such as WSSC, PEPCO, SHA, County Permitting Services, EPA and Public Works and Transportation. A Planning Board public hearing will be held no later than 120 days after a reviewer is assigned.

**Q. What criteria would a Town recommendation be based upon (if the Town decides to make a recommendation)? What criteria does M-NCPPC apply?**

A. Any recommendation must be based upon the applicable County subdivision criteria. Maryland law specifically provides that, "A municipal corporation ... may recommend denial of a [subdivision] plan ... only if the municipal corporation ... determines that the plan does not comply with a particular provision of the **subdivision regulations.**" (Md Code, Land Use Art, Sec. 23-202(d)(4) (emphasis added)).

The County subdivision regulations provide generally that, "To approve a preliminary plan, the Board must find that:

1. the layout of the subdivision, including **size, width, shape, orientation and density of lots**, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59;
2. the preliminary plan substantially conforms to the master plan;
3. public facilities will be adequate to support and service the area of the subdivision;
4. all Forest Conservation Law, Chapter 22A requirements are satisfied;
5. all stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied; and

6. any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.” (Montgomery County Code, Sec. 50-4.2 (emphasis added)).

**Q. The Town conducted a two-year study to identify the character of the Town. What impact does an additional lot have on the character of the Town? Does M-NCPPC staff or the Town consider character in its recommendation to the Planning Board?**

A. The character study was intended to provide current and future Town Council with tools to use in reviewing variance requests concerning the Town’s building regulations, including, *e.g.*, required building setbacks from lot lines. According to the Town Code, character can be considered in assessing the impact of a variance request. This study was focused on preserving character through the regulation of building dimensions, including height, bulk, massing, and design, rather than the subdivision of lots. The Town lacks subdivision authority and, thus, did not study prospective subdivision controls.

As noted above, the subdivision process has its own specific standards. The County subdivision regulations consider the appropriateness of a subdivision based upon its location (as quoted above), and specifically address, *e.g.*, the lot size, width, shape and orientation. The Town has included these considerations in its administrative procedures for reviewing subdivision applications.

**Q. How can a resident voice their comments on this subdivision?**

A. Several ways. Send your questions and comments to the Town Manager or Council. The Town Council will hold a public hearing that will be scheduled when the Town is notified by M-NCPPC that a reviewer has been assigned to the subdivision application. A written transcription of the hearing along with residents’ comments will be sent to M-NCPPC. M-NCPPC must also hold a public hearing prior to reaching their recommendation. Comments and questions may also be sent in writing to:

M-NCPPC  
Development Applications and Regulatory Coordination  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

**Q. If I have questions or want to talk privately about this subdivision, what options are available to me?**

A. You can contact any or all of the Council members or the Town manager at the email addresses below:

Paula Fudge, Chair – pdfudge@gmail.com  
Tom Brown, Council Member - mdffe@hotmail.com  
Nancy Kehne, Council Member – nkehne@aol.com  
Peter Marks, Council Member – pmarks225@verizon.net  
Ron Sherrow, Council Member – rsherrowccv@gmail.com  
Jana Coe, Town Manager - ccviewmanager@verizon.net