

Oct 9, 2020

From:

Pankaj Shukla
18923 Porterfield Way
Germantown, MD 20874
&
Mathew Jacob
18921 Porterfield Way
Germantown, MD 20874

By E-mail (Derek.Baumgardner@montgomerycountymd.gov), and
(Nana.Johnson@montgomerycountymd.gov), and to
(ozah@montgomerycountymd.gov) and by First Class Mail

To:

Mr. Derek Baumgardner
Hearing Examiner
Office of Zoning and Administrative Hearings
100 Maryland Avenue
Rockville, MD 20850

RE: Case No. CU 20-09

Dear Mr. Baumgardner,

We would like to bring to your attention a few concerns that we hope are addressed as part of the hearing and subsequent construction of the proposed Residential Care Facility. These concerns are important to us as our properties are located less than 100 +/- feet from the south-western boundary of the subject property upon which the residential care facility is proposed for construction. The backyards of our properties are currently separated from the subject site only by a shallow swell or channel and a sparse line of trees that offer little to no buffer from the proposed residential care facility.

We want to begin by stressing that we are not in opposition to the subject application, and in fact, we have generally supported this proposal, both during our initial meeting with the Applicant during the public meeting they conducted on Feb 26, 2020 and in our subsequent email exchanges with them. We are raising a few specific issues via this letter that we would like the Applicant to address during the construction phase of this large facility.

Issue 1 – Site Lighting:

- A. The site lighting fixture layout and illumination levels (in foot candles) indicated on drawing L2.03 dated 4/29/2020, included in "CU202009 35_ thru 39_ Landscape Lighting Plans" submitted by the Applicant, shows low illumination levels near the south-west property line. This is acceptable. We would like to request the Applicant to commit to include the single family

residents at the south-west side of this property in the selection of the site/landscape lighting fixtures, if the fixture type, quantity, locations, mounting height and/or model number changes are to be made in the final design. The mounting height of fixture L1 is indicated as 16 feet from ground level at this time and the locations are indicated on drawing L2.03.

- B. If the illumination levels of the site/landscape lighting, indicated on drawing L2.03 dated 4/29/2020, goes higher in the final design, we would also like to request the Applicant to commit incorporating motion sensor capability to the pole lights or selective shut-off of fixtures. The intent of the motion sensor is to dim the light fixtures from full brightness, to a preset lower illumination level during afterhours, when no motion is detected.

Issue 2 – Building Lighting:

- A. We would like to request that the Applicant commit to not adding high wattage lights on the south side of the building so light pollution from building lights into our properties will be negligible. This is especially important given the height of the proposed structure and the fact that master bedrooms for both our houses face this side.

Issue 3 – Fence:

- A. There is an existing fence at the south-west property line that is decrepit. As this property is an open field and only the current homeowner lives there, it is not an issue. Given that we will now have a far higher number of residents living in the new facility, we request that the Applicant remove this old fence and construct a new 8' high chain link fence along this boundary. We also request that a perennial ground cover be grown from ground on to the fence so that such ground cover can eventually grow onto the fence and serve as a screen.

Issue 4 – Landscaping (Trees and Shrubs)

- A. The Landscaping plan indicated on drawing L2.01 dated 4/29/2020, included in "CU202009 35_ thru 39_ Landscape Lighting Plans" submitted by the Applicant shows adequate number of trees and shrubs on the side facing our properties. We would, however, like to request that the trees and shrubs planned to be planted directly facing back of our properties be chosen so they are not deciduous. They do not need to be evergreens, but they should retain the leaves during winter season, so they can function as screen throughout the year. In this document referred to here, this area is along the entire path of the road leading to the service area (left of the main entrance area, looking from inside the proposed structure) and to the garage door entrance and till the end of that road. The following trees and shrubs shown on the plan in this section, facing back of our properties, seem to be deciduous:

NSW – Wildfire Black gum
ACS – Spring Glory Serviceberry
CCA – American Ironwood
MV1 – Sweetbay Magnolia

Issue 5 – Generator for the Project:

- A. The Applicant had indicated on the submitted documents that there will be a generator in the facility. However, there are no details provided regarding the generator type, size, rating etc. We would like request that the Applicant provide complete information on the generator planned for this facility. Since the generator could come on any time of the day or night, we would like to request the Applicant to provide the generator with a Level 3 sound attenuating enclosure and equipped with a hospital grade muffler.

These features will be required to reduce the noise level at the property line below the maximum allowed noise level of 55 dBA in residential areas in Montgomery County (please see attached copy of the Montgomery County ordinance). We request that this attachment be admitted as Exhibit #1.

- B. We would like request that the Applicant to provide information regarding noise produced by the generator and the calculated attenuation of the noise that will be provided via use of a muffler and/or other technology, at all property lines.
- C. The generator will be exercised once a week, as is standard practice for generators. We would like to request the Applicant to commit that the generator testing will be conducted only during a weekday (Monday through Friday) during the middle portion of the day (i.e., between 10 a.m. and 4 p.m.).

Issue 6 – Storm Water Management (SWM)

- A. The storm water management plan indicated on drawing CU4.01 dated 5/5/2020 included in “CU202009 33_34_ SWM Concept Application and Plan.PDF” submitted by the Applicant shows the water runoff will be connected to the existing storm drain system and conveyed into the existing channel at the west edge of our properties. This channel is already a depository of runoff from neighboring land, including Germantown Elementary School with large impervious area. We have lived in our properties for twenty years and while the channel has never flooded, it has often been inundated during heavy rains and filled to the brim. Such amount of water runoff over the years has already caused heavy erosion in the channel as can be witnessed by the exposed roots of the two large existing trees, both approximately 20’ to 25’ in height, at the edge of our properties (but in county’s land). This erosion is best seen by the attached photographs.



Photo 1 – West View of the Channel



Photo 2 – East View of the Channel

(both from 18923 Porterfield property edge)

As these pictures show, adding more water to the channel will further erode the channel and may even cause these trees, which are leaning on our property side, to fall. Further, we are also concerned that the channel will overflow and cause flooding in our basements. Please see the view of the channel from the basement of the 18923 Porterfield property (Mr. Shukla's) in the picture attached below to appreciate this risk:



Picture 3 – View of the Channel from basement door of 18923 Porterfield property (Mr. Shukla's)

This was a concern we had raised verbally with the Applicant during the February 26, 2020, community briefing meeting they conducted, and they revised the storm water plan subsequently to convey some of the water about 220 feet past this starting point. It is, however, conditional on FHCA (Fountain Hill Community Association – our HOA) granting easement.

This correspondence from the Applicant (by Mr. Ken Jones), dated Aug 13, 2020, is attached here as Exhibit #2. In addition to the text in Exhibit #2, it also included two documents:

First document is a letter dated Aug 5, 2020, from Mr. Jones to FHCA to advise of SWM redesign and need for easement and is included here as Exhibit #3. The second document, SWM Outfall Easement Exhibit, is included here as Exhibit #4. Subsequently, after an email exchange between Mr. Jones and Mr. Jacob, Mr. Jones revised this diagram to clearly mark various boundaries. This document was resent to us as SWM Outfall Easement Exhibit 2020-08-20, and it is included here as Exhibit #5.

We request that this plan be further revised to offload all of the runoff from the original induction point in the channel to this new proposed point to take the runoff from the property away from our residences and to remove the risk of further erosion in the channel. We recognize that it will be contingent on FCHA approving requested easement and we will help facilitate it.

Again, we do not object to the Applicant's overall proposal, we just want to make sure that certain reasonable protections are put in place when constructing the proposed facility, so they protect our properties from future harm or damage.

We thank you for your consideration and we will attend the hearing on Oct 30th to answer any questions that may arise from this letter.

Thank you,

Sincerely,



(PANKAJ SHUKLA)



(MATHEW JACOB)

Encl:

Exhibit #1 – County Ordinance (Noise Control)

Exhibit #2 – Email from the Applicant (by Mr. Ken Jones), dated Aug 13, 2020 (Regarding Revised SWM)

Exhibit #3 – Letter from Mr. Jones to FHCA advising of SWM plan revision and requesting easement

Exhibit #4 – SWM Outfall Easement Exhibit (attachment in Mr. Jones' email)

Exhibit #5 – SWM Outfall Easement Exhibit 2020-08-20 (resent by Mr. Jones to show property boundaries)