

## WRITTEN STATEMENT

JAMES G. TOUHEY, JR.  
13905 Overton Lane  
Colesville, Maryland 20904

1. I am a longtime resident of Colesville. My wife and I have lived in our home, which is located at 13905 Overton Lane, for the last 29 years. We raised our two sons, both of whom are now grown, there.
2. Our home is situated on a parcel consisting of almost 3 acres of land over most of which a conservation easement was granted to the County prior to our purchase of the property in 1996. The property, almost half of which is heavily wooded, is bisected by a stream that flows from east to west and is a tributary of the Northwest Branch. A marked-up copy of a Plat for our property is attached to this statement at tab A.
3. On Saturday, August 9, 2025, after learning of the Applicant's proposal to rezone the parcels situated along Notley Road and its intersection with New Hampshire Avenue, I sent an email to Mr. Troy Leftwich of the Montgomery County Planning Board's staff (and copied Ms. Amy Lindsey), expressing my strong opposition to the proposal, and requesting that I be made a party of record to the proceeding. A copy of my email is attached at tab B. I got no response to my email from the planning board's staff, and a copy of my email was not included among the communications from members of the community that the staff subsequently attached to its report, in which the staff recommended approval of the Applicant's proposal with conditions. Nor did the planning staff ever designate me as a party of record to the proceedings before it as I had requested. Finally, a copy of my email was not included as part of the document designated Exhibit 29 in the current proceedings.
4. Our home is located approximately 0.27 miles from the northwest corner of the parcels which the Applicant proposes be rezoned. See tab C attached hereto. As shown in tab D, also attached, our property is located within the surrounding neighborhood as delineated in the planning board's report. However, as shown in tab E, attached, our property lies just outside the "Surrounding Neighborhood Plan" submitted by the Applicant.
5. Turning to the adverse effects that the Applicant's proposed rezoning of the subject property would have on both me and my property, as noted above, my property is bisected by a stream that flows from east to west. See tab A attached hereto. This stream is part of and lies just downstream of the same stream to which the Applicant's Updated Land Use Report (Exhibit 38 at p. 3) refers as "the Middle Main Tributary of the Northwest Branch." A segment of this stream forms a part of the western boundary of the "Surrounding Neighborhood" that is delineated in the Applicant in Exhibits 23 and 38. Before reaching my property, however, the western boundary of the Applicant's "Surrounding

Neighborhood Plan” turns abruptly to the south, away from the path of the stream, and runs down Leibig Road (to which the Applicant’s Updated Land Use Report mistakenly refers as “Lehigh Road”). See tab E attached hereto. The point at which the boundary of the Applicant’s “Surrounding Neighborhood Plan” turns away from stream’s path is approximately 60 to 65 feet from the point at which the stream enters my property.

6. According to the Applicant’s submissions and the testimony of one of the Applicant’s expert witnesses, seventy percent of the subject property is situated within the Northwest Branch watershed. The Applicant’s Updated Land Use Report suggests that the problem of stormwater runoff from this part of the subject property is confined to “sheet flows off the [subject] property into Notley Road.”
7. While some stormwater runoff from the subject property does in fact flow into and down Notley Road, other stormwater runoff from the subject property flows across adjacent properties and then into drainage ditches that run along the south side of Greenspring Lane and east side of Shannon Drive. After entering these drainage ditches this runoff then empties into a master inlet located on the east side of Shannon Drive approximately 365 feet north of Shannon Drive’s intersection with Notley Road. After entering this inlet, the stormwater flows under Shannon Drive and into a culvert that directs it away from Notley Road. Attached at tabs F and G are photographs of the master inlets located at this point on the east and west sides of Shannon Road; tab H, which is also attached, is a copy of the Montgomery County Department of Permit Services’ Floodplain and Storm Drain Map for the Colesville area, which depicts these master inlets on Shannon Drive and the culvert to which these inlets are connected.
8. After being discharged from this culvert, the stormwater from the subject property flows away from Notley Road and toward “the Middle Main Tributary of the Northwest Branch,” entering it at a point well before the stream reaches my property. Indeed, the Applicant implicitly recognized as much when it specifically included within its “Surrounding Neighborhood Plan” those properties through which “the Middle Main Tributary of the Northwest Branch” flows that are upstream from my property.
9. Bad as stormwater runoff from the subject property already is, the problem will only become much worse if the Applicant’s proposed rezoning is approved. Currently, the subject property is almost entirely covered with trees, shrubs, and other vegetation, with only a few scattered small houses and outbuildings. The Applicant proposes to remove most of the plant matter, tear down the existing structures, and replace them with 130 densely packed townhouses, and a network of paved private roads, driveways, and parking areas. This would greatly exacerbate the stormwater runoff problem from the subject property, and the problem would not be mitigated by the inadequate stormwater management facilities and measures to which the Applicant has vaguely alluded in its various submissions to the planning board and in this proceeding.



10. My property already has suffered very serious adverse effects from very large volumes of water flowing down the stream during storm events, resulting in severe erosion of the stream's banks and the loss of numerous trees on my property. The problem has grown progressively worse over the course of the last two decades, during which Maryland State Route 200 (commonly referred to as the Inter-County Connector or the ICC) was built, as were several other large-scale projects along New Hampshire Avenue north of its intersection with Notley Road.
11. To orient the reader to the stream's path starting at the point it emerges from beneath the south side of the ICC to the point it enters a culvert under Notley Road, a topographical map (with various landmarks noted on it) is attached at tab I.
12. Several sets of photographs which I took at various points along the stream also are attached. Tab J shows the culvert from which the stream emerges after passing under the ICC; tab K shows the channel through which the stream passes immediately after exiting this culvert; tab L shows the stream as it exits from the culvert through which it passes under Colesville Manor Road. JT
13. Tab M shows the stream as it exits a culvert under the private road that is located at the end of Leibig Road approximately 60 to 65 feet from the eastern edge of my property. This is the point at which the western boundary of the Applicant's "Surrounding Neighborhood Plan" abruptly turns to the south and runs along Leibig Road. The severe erosion shown on the stream's far bank in this photograph is located on the land of an abutting property owner. Dine
14. The photographs attached at tabs N through S were taken by me along the stream as it flows across my property. These photographs show examples of the severe erosion that is occurring along the stream's bank as a result of the tremendous volumes of water rushing downstream during storm events. The photographs are arranged in sequence from east to west along the stream. The erosion shown in the last of these photographs (tab S) extends beyond the western boundary of my property and continues onto the property of another abutting property owner.
15. Attached at tab T is an aerial photograph of my property to which I have added colored highlights to mark the location of places where the most severe erosion is occurring along the stream's bank and where trees have been lost as a result of erosion. I have also marked on this photograph the location at which my wife and I had a contractor install a wall consisting of large boulders along the stream's bank to stop erosion that was endangering our house. This work was done completely at our expense and paid for with our own money.
16. Besides risking additional and worsening damage to my property, the Applicant's proposal will have other very serious adverse effects on quality of life that my wife and I enjoy as longtime residents of the surrounding neighborhood.
17. Both my wife and I are retirees in our late sixties who have been advised by our physicians to remain active and regularly exercise. One recreational activity in which we regularly engage is walking through and around our neighborhood.

18. Both my wife and I frequently walk between our home and the shopping center that is located on the northwest corner of the intersection of New Hampshire Avenue and Randolph Road. We also walk to and from the service station located on the same corner where we have our cars serviced. When we take these walks, we must walk along Notley Road. Sometimes we remain on Notley Road until it reaches New Hampshire Avenue, and sometimes we turn onto Sherwood Forest Drive, which we then walk along it until it reaches Randolph Road.
19. I also like to walk along the pedestrian/bicyclist pathway that runs between ICC's interchange with New Hampshire Avenue and the Notley Road overpass crossing the ICC. To reach the eastern end of this pathway, I generally walk up Notley Road from its intersection with Overton Lane, turning left at Shannon Drive, then walk along Shannon Drive until it reaches Colesville Manor Road, which I then walk along to reach New Hampshire Avenue at a point about 750 feet to the south of the pathway's eastern end. To return home after I reach the pathway's western end, I walk along Notley Road from the point it passes over the ICC to the point it intersects Overton Lane. *JGT Drive*
20. In addition, I sometime walk between my home and Colesville Manor Neighborhood Park, walking back and forth along Notley Road.
21. Unfortunately, these walks present a challenge because the neighborhood has very few sidewalks. For example, Sherwood Forest Drive, Shannon Drive, and Colesville Manor Road each has no sidewalks at all. As for Notley Road, only two short sidewalks currently exist on the segment that runs between its intersection with New Hampshire Avenue and the point at which it crosses over the ICC (about eight-tenths of a mile away). One is a 755-foot length of sidewalk at the New Hampshire Avenue end of the segment, and the other is a 135-foot length of sidewalk at the ICC end of the segment. As a result, pedestrians like us frequently must walk in the vehicular travel lanes of roadways. *JGT Drive*
22. This is especially problematic because, as depicted in Tab U, attached, Notley Road and Sherwood Forest Drive are the roads that drivers (including myself) most frequently use to travel into, out of, and through the neighborhood, and specifically use to reach or drive between New Hampshire Avenue, Randolph Road, and Bonifant Road.
23. In its submissions to the planning board and in this proceeding, the Applicant has argued that its proposal will significantly enhance pedestrian safety largely if not entirely because a new sidewalk would be installed on the north side of Notley Road between its intersection with New Hampshire Avenue and Colesville Manor Neighborhood Park, which is located a little more than a thousand feet to the west of the New Hampshire Avenue intersection. As noted above, a 755-foot length of sidewalk already exists along the opposite side of Notley Road at this location.
24. Whatever benefits the new sidewalk might have for future residents of the townhome community that the Applicant proposes to build on the subject property, adding 130 new townhomes inevitably would cause the volume of



vehicular traffic that flows in both directions along Notley Road and Sherwood Forest Drive to increase very substantially. This increase in the volume of vehicular traffic on Notley Road and Sherwood Forest Drive also would very substantially degrade pedestrian safety of those of us who walk along Notley Road and Sherwood Forest Drive along those segments of these roads which lack sidewalks.

25. To underscore the hazards confronting pedestrians like myself as a result of this situation, I have attached at tab V several screen captures that I downloaded from Google Maps Street View taken along the part of Notley Road on which I frequently walk which has no sidewalks.

Jim. S. [Signature] 7  
Dec. 2, 2025





**touheyfamily@outlook.com**

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**From:** James Touhey  
**Sent:** Saturday, August 9, 2025 3:27 PM  
**To:** Troy.Leftwich@montgomeryplanning.org  
**Cc:** Amy.Lindsey@montgomeryplanning.org; notley.townhouses@gmail.com  
**Subject:** SUBJECT: INCLUDE ME AS A PARTY OF RECORD FOR COLESVILLE LMA H19 & F20250680

As a long-time resident of Colesville, I am writing to register my very strong opposition to the proposed rezoning of the parcels situated along Notley Road and its intersection with New Hampshire Avenue.

**Please include me as a party of record for COLESVILLE LMA H19 & F20250680.**

Sincerely,

James G. Touhey, Jr.

13905 Overton Lane

Colesville, MD 20904

[touheyfamily@outlook.com](mailto:touheyfamily@outlook.com)

301-395-6396

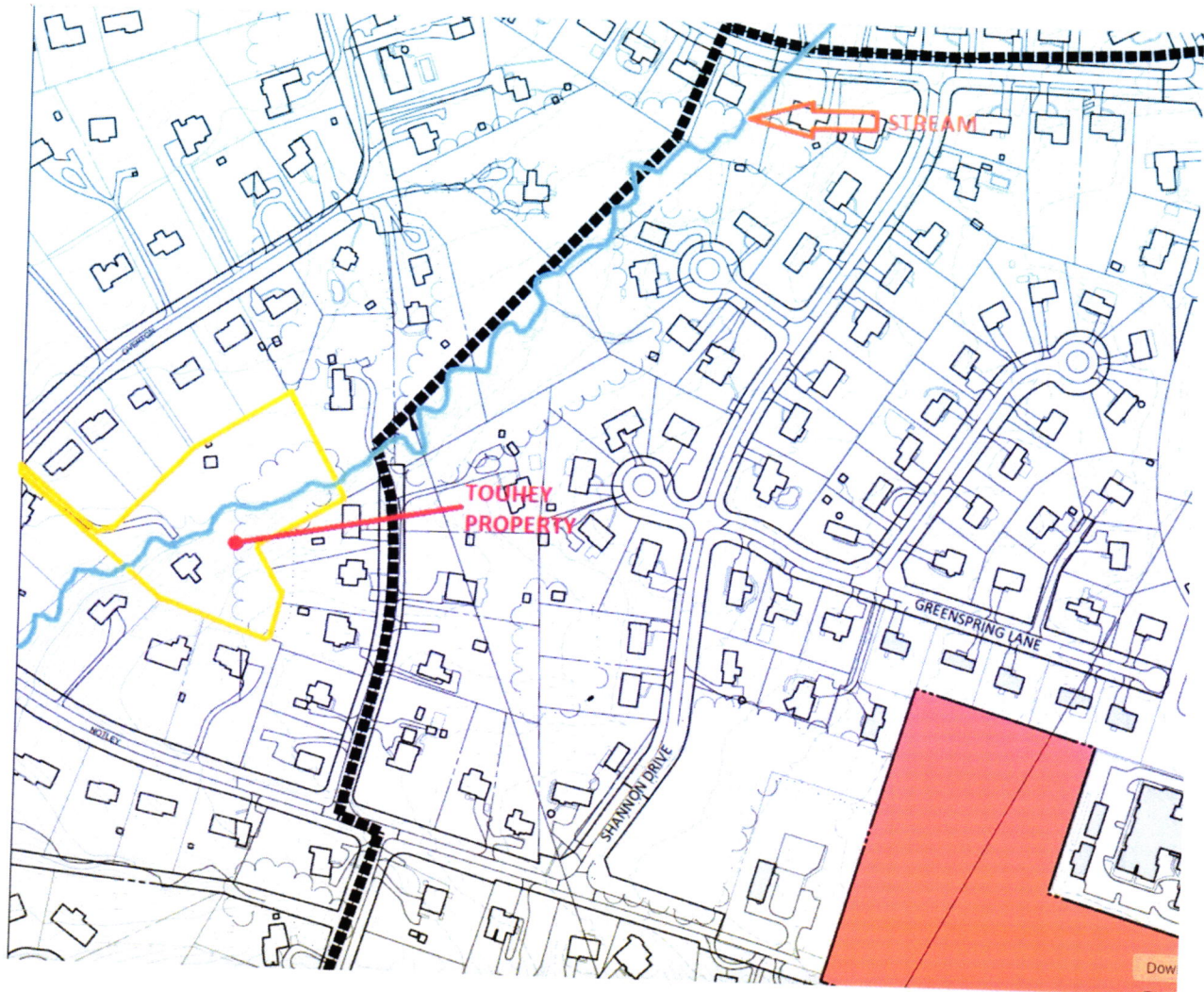
## Tab C







Figure 2: Staff-Defined Neighborhood



Detail of Applicant's Surrounding Neighborhood Plan (Exhibit 23)  
with outline of Touhey Property and Steam Path Highlighted

"The Property is located within a larger neighborhood bounded by Colesville Manor Road and Hobbs Drive to the North, Hollywood Branch, a tributary of the Paint Branch, and part of the Colesville Farm Estates to the east, East Randolph Road to the south, and the Middle Main Tributary of the Northwest Branch, Lehigh Road [sic], Sherwood Forest Drive and Montvale Drive to the west (the 'Surrounding Neighborhood'). This boundary defines the approximate pedestrian walk shed of 5-10 minutes where there are visual or physical connections and paths up to natural and human-made edges."

Excerpt from Applicant's Updated Land Use Report at p. 3  
(Exhibit 38)



Tab F





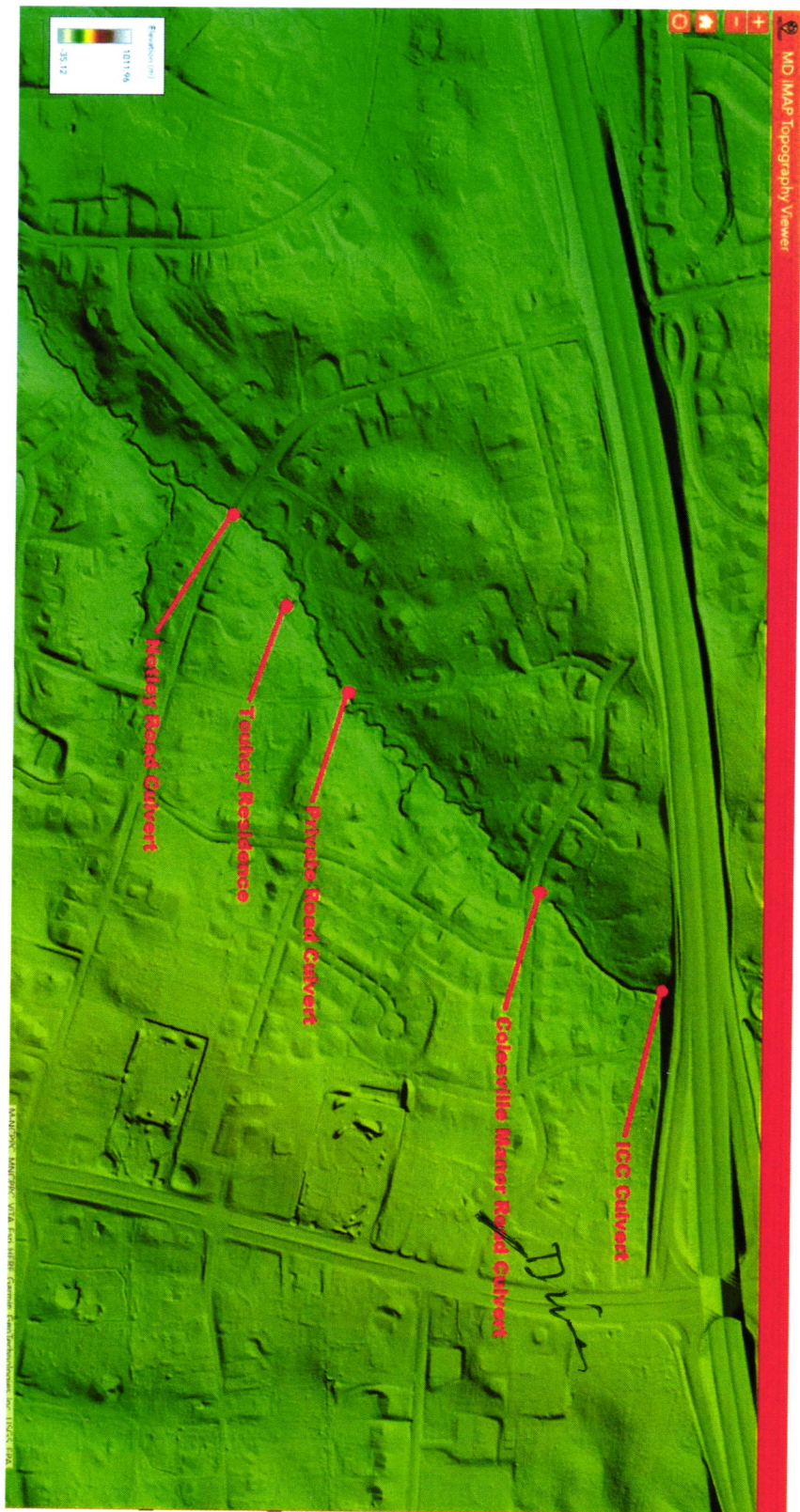
Tab G







Tab I



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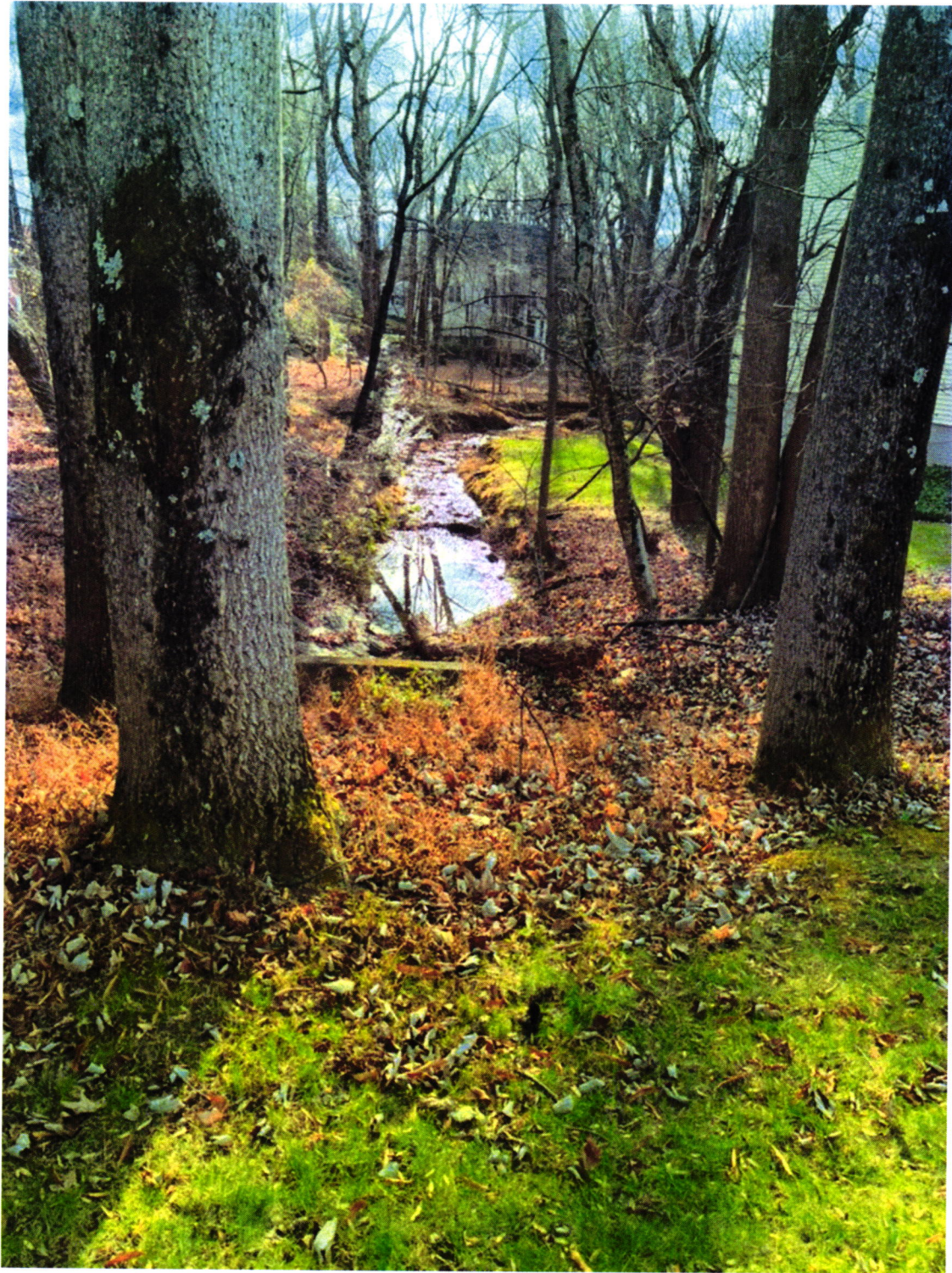








Tab L





Tab M





Tab N





Tab O





Tab P





Tab Q





Tab R





Tab S













## Tab V

