



December 20, 2024

**MEMORANDUM**

TO: Christopher Conklin, Director  
Montgomery County Department of Transportation

VIA: Patrick Butler, Chief *PB*  
Sandra Pereira, Regulatory Supervisor *SP*  
Upcounty Planning Division

FROM: Justine Iván González-Vélez, Planner II *JGV*  
Upcounty Planning Division

SUBJECT: Right-of-Way Abandonment Case No. AB-789  
Application to abandon the dedicated but unbuilt right-of-way, Hyannis Drive, located between 8 Piping Rock Dr and 10 Piping Rock Dr, Silver Spring, MD

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**RECOMMENDATION**

Staff supports the abandonment petition for Hyannis Drive (“Subject Petition”) with the condition stated below and recommends that it be abandoned through the County Council’s action.

**Condition of Approval**

1. The Applicant must consolidate the abandoned right-of-way into the adjoining four lots (Lots 6 and 5 of Block 6 and Lots 3 and 4 of Block 7, of the Old Salem Village Subdivision) through a record plat in compliance with the Subdivision Regulations and applicable development standards of the Zoning Ordinance.

This memorandum includes the following Staff comments to the Montgomery County Department of Transportation (MCDOT) in accordance with Montgomery County Code Chapter 49-62, “Abandonment and Closing Rights-of-Way: Abandonment Authority; Scope of Article; Procedures.” This Abandonment Case has not been heard by the Montgomery County Planning Board.

## DISCUSSION

On Monday October 21, 2024, the Maryland-National Capital Park and Planning Commission (M-NCPPC) received Abandonment Petition AB-789 (“Subject Petition”), in accordance with Section 49-62(g) of the County Code (Attachment A). The Applicant requested full-width right-of-way abandonment of Hyannis Drive.

Hyannis Drive, (“Subject Right-of-Way”, “Subject Abandonment”), was originally dedicated in 1941 as part of the Old Salem Village Subdivision (Plat No. 1460 – Attachment C) located between 8 Piping Rock Dr and 10 Piping Rock Dr in Silver Spring. The underlying zoning is R-200 and subject to the 1997 *Cloverly Master Plan*. The Subject Right-of-Way is located southwest of New Hampshire Avenue between Bonifant Road to the south and Old Lyme Drive to the north. The Old Salem Village Subdivision incorporated the right-of-way dedication for Hyannis Drive. Hyannis Drive is roughly 15 feet in width and 100 feet long, which covers approximately 3,000 square feet in area.



Figure 1. Aerial View of the Subject Abandonment.

The Subject Right-of-Way is currently improved with an existing Pepco utility pole. Aside from a portion of an adjacent private driveway there are no other physical or public improvements in the Subject Right-of-Way.

The 1997 *Cloverly Master Plan* made recommendations on right-of-way dedications that were envisioned to be maintained or abandoned; however, Hyannis Drive is not specifically included in those recommendations. The Master Plan is silent on the current or anticipated use of Hyannis Drive.

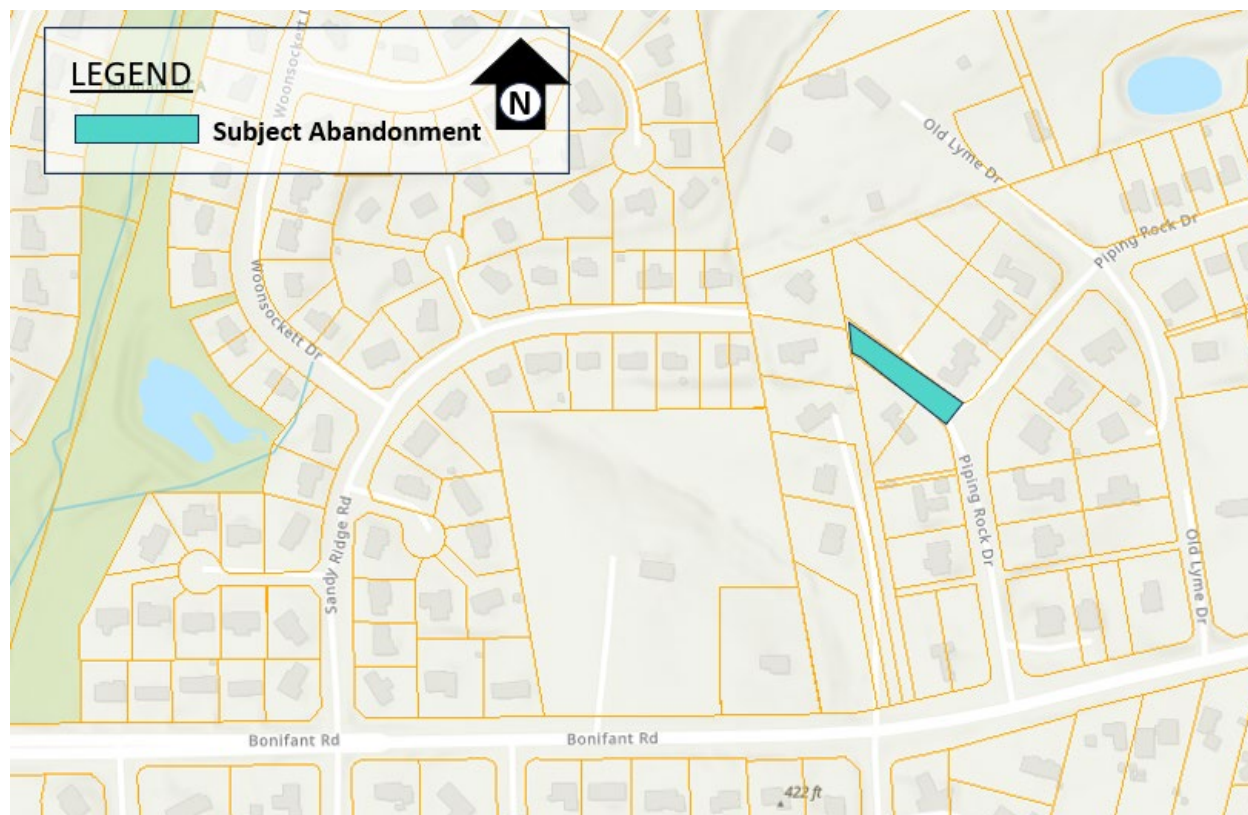
Furthermore, there are no recommendations for Hyannis Drive in the 2018 *Bicycle Master Plan*, the 2023 *Pedestrian Master Plan*, the 2024 *Master Plan of Highways and Transitways*, or any other countywide transportation master plan. During the evaluation of the Subject Abandonment, the utility of a potential connection to Sandy Ridge Road to the north from Piping Rock Drive was explored. However, MCDOT and Montgomery County Planning Staff determined that such a connection would be infeasible due to the layout of the subdivision and existing homes. Connecting these two streets, Sandy Ridge Road and Piping Rock Drive, would require the two intervening lots with single-family detached units at the end of Sandy Ridge Road to dedicate right-of-way land that may never be feasible due to minimum lot size requirements under Chapter 59, Article 59, and Section 4.4.1. of the Montgomery County Zoning Code in addition to impacting at least two existing homes.



*Figure 2. Aerial View of the Subject Abandonment and Adjacent Lots*



The connection would not provide a significant benefit for any travel mode, would only connect two residential streets, which are already connected elsewhere, and would not improve connectivity for a major destination such as a school or shopping center. Therefore, both the Montgomery County Department of Transportation and Montgomery County Planning Staff determined that there is not anticipated future transportation use for the Subject Abandonment.



*Figure 3. Public Roadway Network Within Vicinity of AB-78 9Hyannis Drive*

The Subject Abandonment is immediately adjacent to four lots on Piping Ridge Road. Of the four lots, one is improved with one single-family detached house, two are improved with one single-family detached house crossing the lot line, and one is unimproved with any permanent structures. The Applicant owns all four lots and is seeking abandonment for the purpose of consolidating the four lots and the Subject Abandonment into two lots through consolidation by way of a Minor Subdivision, which would result in two lots with frontage on Piping Rock Drive. As conditioned, the Applicant must consolidate all four lots and the Subject Abandonment in conformance with the Subdivision Regulations and all applicable development standards of the Zoning Ordinance.

Section 49-63(c)(1)-(2) of the Montgomery County Code authorizes the County Council to abandon a right-of-way, including a public road upon finding that:

1. The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or
2. The abandonment or closing is necessary to protect the health, safety, and welfare of the residents near the right-of-way to be abandoned or closed.

There is no current or anticipated use of the Subject Abandonment. Aside from a portion of the private driveway currently located within Hyannis Drive, there is no visible evidence of a transportation use of the Subject Right-of-Way. None of the adjacent lots with their respective single-family detached units are reliant on Hyannis Drive for access to the public transportation network. Access to the Pepco utility pole can be maintained through an access easement granted by the Petitioner. Upon review of the Subject Petition, the County transportation agencies have determined that there is no foreseeable transportation use for Hyannis Drive. Additionally, no applicable master plans call for the retention of this land for future public use and benefit.

## RECOMMENDATION

Staff concludes that the Subject Right-of-Way is not necessary for present or future public use after review of the existing transportation network and approved master plans. Therefore, Staff recommends approval of abandonment case AB-789 with the condition that the Petitioner seeks consolidation of the abandoned right-of-way into the adjoining four lots through a record plat in compliance with the Subdivision Regulations and applicable development standards of the Zoning Ordinance.

## Attachments

- A. Applicant Petition for Abandonment
- B. MCDOT Request for Comments on Proposed ROW Abandonment
- C. Plat No. 1460

ACCEPTED & APPROVED BY:



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Jason K. Sartori, Planning Director

December 20, 2024

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Date Approved

8 Piping Rock Drive

Silver Spring, MD 20905

August 15, 2024

RECEIVED  
AUG 19 2024  
MCDOT  
DIRECTOR'S OFFICE

Christopher Conklin, Director

Montgomery County Dept. of Transportation

Director's Office

101 Monroe Street, 10<sup>th</sup> floor

Rockville, MD 20850

Dear Mr. Conklin:

This petition is for the abandonment of the never-improved right-of-way named Hyannis Drive. This strip of land lies between 8 and 10 Piping Rock Drive (hereafter referred to as P.R. Dr.) in the Colesville/Cloverly area of Silver Spring 20905.

According to the plats for numbers 8 and 10 P.R. Dr. along with the original Old Salem Village plan, Hyannis Drive is roughly 15 feet wide by 200 feet long. On paper, it begins at P.R. Dr., runs NNW and ends in trees and underbrush. If a street sign didn't exist, a passerby would never know the lane is there.

We have lived at 8 P.R. Dr. for 28 years. About three years ago, we bought 10 P.R. Dr. Apart from getting the misleading street sign removed, our concern is about any legal entanglements over this strip of land and clear title of ownership.

By abandoning this unused right-of-way, and splitting the land equally between numbers 8 and 10 P.R. Dr., the MCDOT could avert any friction between future owners over vague property lines.

The aforementioned plats and original plan are included in the envelope. We understand that the enclosed documents will be forwarded by your office to Tiara McCray, Chief of Property Acquisition Section for MCDOT.

Sincerely,

  
Samuel L. Crook/Ellen Lodwick

Cc: Tiara McCray

**From:** [Tutt, Ronnie](#)  
**To:** [Pokharel, Suresh](#)  
**Subject:** Abandonment - AB 789 (Public Right of Way on Hyannis Drive, Silver Spring)  
**Date:** Monday, October 21, 2024 3:35:07 PM  
**Attachments:** [8-15-24 Petition.pdf](#)  
[Plat 1460 \(1941\).pdf](#)  
[AB 789 - Abandonment Area.pdf](#)

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**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Greetings,

This is a follow-up to our email from 9/6/2024 requesting preliminary information for AB-789 (Hyannis Drive, Silver Spring, MD). This is the formal request for the comments. Please be advised that the Property Acquisition Section of the Montgomery County Department of Transportation (MDOT), pursuant to Montgomery County Code section 49-62(e), has received an application for abandonment from Mr. Samuel Crook, (the "Applicant"), for the abandonment of a public right of way on Hyannis Drive in Silver Spring, MD, for approximately 14,000 square feet area, more or less, of land. The petition seeks to abandon a portion of the public right of way, initially established in connection with a Subdivision Plat dated August 6, 1941, entitled "Old Salem Village" (Plat No. 1460). The Applicant asserts in their petition that there is no current or anticipated future public use of the public right of way. Attached, please find the following information concerning the application:

1. Letter from Applicant dated August 15, 2024
2. Subdivision Plat - Plat No. 1460, dated August 6, 1941
3. Abandonment Aerial Sketch

In order to protect and maintain the health of the County's citizens and workforce, the County Executive or his Designee shall conduct this Hearing via the internet-based platform Zoom™ on Wednesday, January 22, 2025, at 1:00 PM. Please submit your comments on the proposed abandonment no later than December 20, 2024.

Scanning the QR Code below with your mobile device or following the link [here](#) will direct you to the registration form required to participate in the Hearing. Completing the registration form will include parties on a mailing list to receive an electronic invitation to the Hearing. Registration will close on Friday, January 17, 2025, at 5:00 PM



**You are advised, should your agency/company have a strong position it wishes to advocate before the Hearing Officer, to have representation present for the Hearing in order to be able to respond to comments from the Petitioner.**

Should you have any questions or concerns, please do not hesitate to give me a call. I would appreciate any replies or inquiries regarding this petition are submitted to me directly.

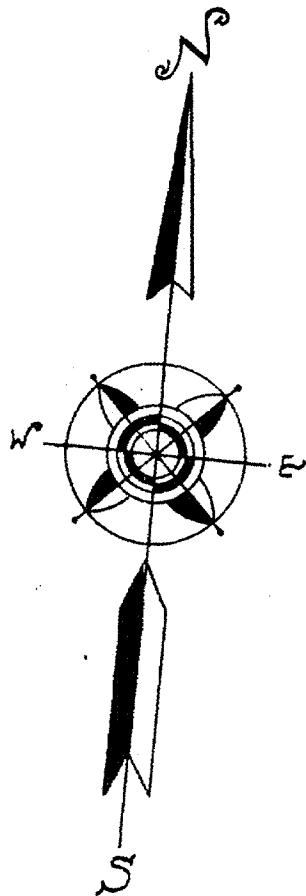
Ronnie Tutt  
Real Estate Specialist  
Department of Transportation  
Division of Transportation Engineering  
Property Acquisition Section  
100 Edison Park Drive, 4th Floor  
Gaithersburg, Maryland 20878  
240-777-7203



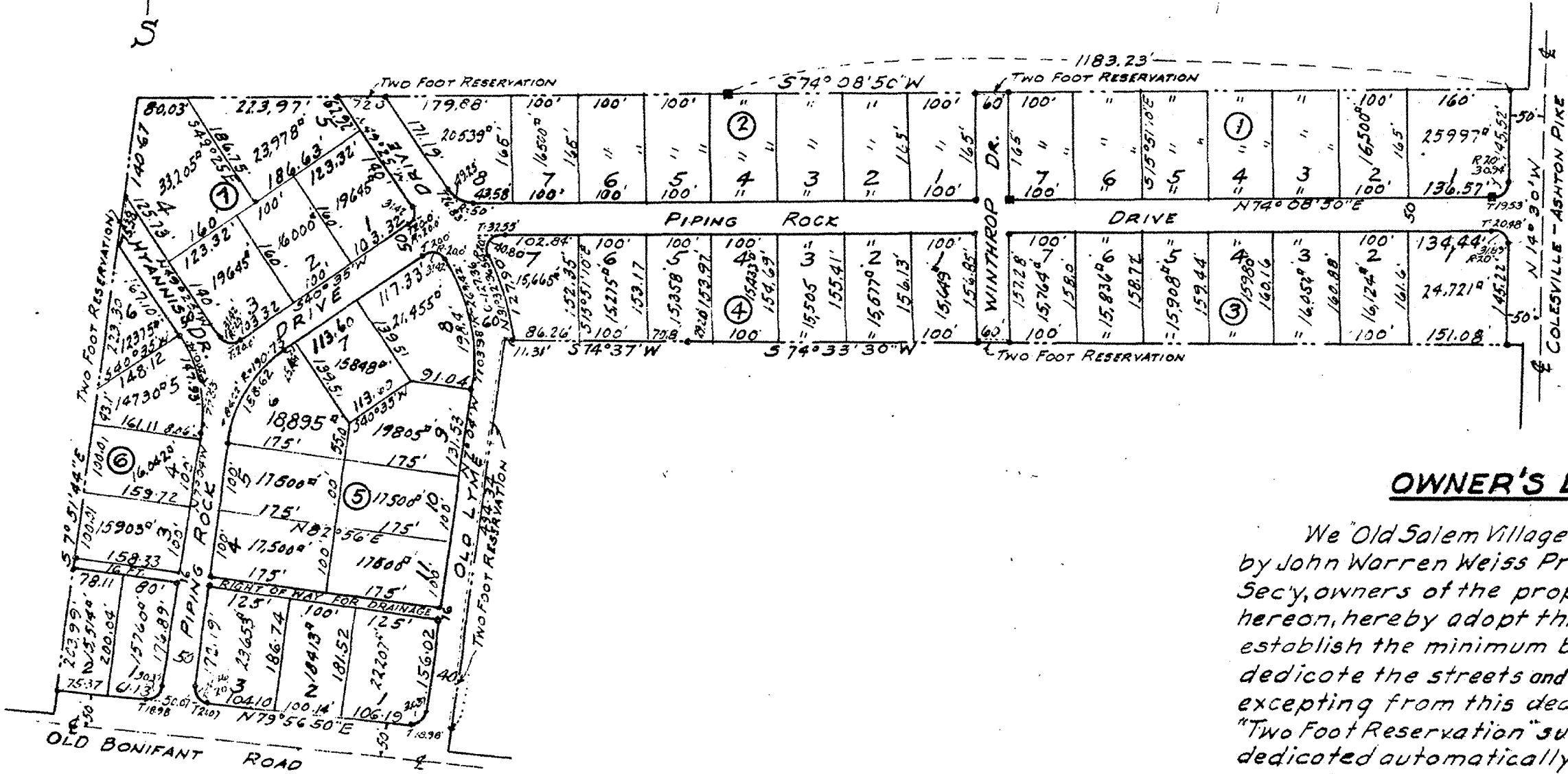
**For more helpful Cybersecurity Resources, visit:**  
<https://www.montgomerycountymd.gov/cybersecurity>



OLD SALEM VILLAGE  
NORTH OF COLESVILLE  
MONTGOMERY COUNTY MARYLAND



AUGUST 1941  
JOSEPH N. STARKEY  
CIVIL ENGINEER  
SILVER SPRING MD.



OWNER'S DEDICATION

We "Old Salem Village Inc.", a Maryland corporation by John Warren Weiss Pres. and Howard E. Talbert Sec'y, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines and dedicate the streets and the right of way to public use, however excepting from this dedication any lands designated "Two Foot Reservation" such lands to be deemed to be dedicated automatically at such times as street extensions adjacent thereto are dedicated in adjoining property.

Date: Aug 6, 1941 OLD SALEM VILLAGE INC.

Attest: Howard E. Talbert By: John Warren Weiss  
HOWARD E. TALBERT SECY JOHN WARREN WEISS PRES.

We assent to this plan of subdivision

Witnessed: Date Aug 11, 1941

Mark F. Wagner Louis Y. Canby  
Mark F. Wagner T. Gilcott Canby  
Trustee

CITIZEN'S BLDG. & LOAN ASSN.

Attest: George W. Wolfe By: Frank L. Hewitt  
George W. Wolfe Secy Frank L. Hewitt Pres.

ENGINEER'S CERTIFICATE

I hereby certify that the plan shown hereon is correct; that it is a subdivision of the land conveyed by John Warren Weiss and wife to Old Salem Village, Inc. by deed dated Aug. 5, 1941 and recorded among the Land Records of Montgomery County, Maryland in Liber at Folio and that stones marked thus \* and iron pipes marked thus • have been placed as indicated, and at all lot corners.

DATE: Aug 6 - 41

Joseph N. Starkey  
JOSEPH N. STARKEY  
CIVIL ENGINEER

WASHINGTON SUBURBAN SANITARY COMMISSION  
APPROVED: AUG 25, 1941  
SUITABLE FOR WATER AND SEWER DESIGN  
WITHOUT COMMITMENT TO INSTALLATION  
Harry B. Shaw  
Deputy CHIEF ENGINEER

MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION  
APPROVED AUG 6, 1941  
Irving Kaplan John S. Hampton  
ACTING CHIEF ENGINEER SECRETARY  
M.N.C.P. & P.C. RECORD FILE NO. 1543

FILED  
SEP 15 1941