Public Hearing Minutes March 21, 2023

As reviewed, approved, and accepted by the Town Council on April 4, 2023

Mayor Ruspi called the Public Hearing to order at 7:31p.m. to review a site development plan submitted by Rafael De La Rosa and Jessica Membreno for a new home to be constructed at 21620 Laytonsville Road. The meeting was held using video conferencing. Council Members Charles Bradsher, Tom Burke and Amy Koval were present. Also present were: Historic District Commission Chair Charles Hendricks, Planning Commission Chair Eric Wenger, Parks and Trails Task Force Chair Jill Ruspi, the Town Clerk, Assistant Clerk, Assistant Staff Member, Mr. Rafael De La Rosa, Ms. Jessica Membreno, Mr. Steve Crum of Macris, Hendricks and Glascock, Mr. Robert Shapiro and Mr. Ryan Shapiro of Goshen Valley Homes, Mr. David McKee of Benning & Associates and Ms. Judy Hruz, Editor, Greater Olney News. The Notice of Hearing was posted at the Town Hall, on the Town website and at the Post Office.

Mayor Ruspi opened the meeting by expressing his sadness on the sudden passing of Council Member David Preusch and offering his condolences to his family and friends.

Mayor Ruspi asked Mr. De La Rosa and Ms. Membreno to provide a summary of the site development plans for Lot 2C. Mr. De La Rosa said the plan is for a four bedroom, three and one-half bathroom farmhouse style home with a porch and a sideload garage. He explained that some concerns about the setback were expressed at the meeting of the Historic District Commission and based on that feedback they are prepared to move the home closer to Laytonsville Road by ten to fifteen feet. He said that to move it any further would increase construction costs. Mr. De La Rosa said they do not have an updated site plan at this time due to financial considerations. Mr. De La Rosa and Ms. Membreno expressed their appreciation for the consideration they have received and said they are expecting to close later this week.

Mayor Ruspi asked the Town Clerk to read a comment received on March 18, 2023. Ms. Burke read the following:

“Dear clerk in Laytonsville Maryland, I am the owner of 7403 White House Lane across the street of the new house, the subject of this public hearing. since we will not available to attend the hearing on 3/20, I have the following points for the builder to consider.

1. Please plant the same type and similar size trees on the back yard along White House lane to make the trees along White House lane look complete.  Right now, three or maybe four trees are missing.

2.  My back yard is the lowest spot so in raining days, waters from all sides are coming to my back yard.  Last Spring in a heavy raining time (3inch) in a day, about half of my back yard was covered by muddy water and took 3 days to completely subside.  Since this new house is at higher spot, please evaluate the issue and maybe consider to have a good storm management system in your building block so to make sure thing won’t get worse.

Thank you for your understanding and consideration

Sincerely,

Tubing Tang, Owner of 7403 White House Lane”

Mayor Ruspi said he had been informed that another neighbor visited the Town Hall to look at the site development plan and expressed concerns about storm water management and possible water runoff on to their property. However, no written comments were provided.

Mr. Steve Crum, of Macris, Hendricks and Glascock said he used digital tools to look at the setback of all the properties on the west side of Laytonsville Road. He explained that the property lines are not consistent, and he used the distances from the edge of the road for his calculations. Mr. Crum reviewed the following information:

* The average setback of the dwellings on the west side of Laytonsville Road is 54 feet +/- not including porches, which are all open and single story in height and do not contribute significantly to the perceived bulk of the dwelling as viewed from the street.
* The average setback of the dwellings on the west side of Laytonsville Road is 46 feet +/- including the porches from the edge of the street.
* The average setback of all of the structures on the west side of Laytonsville Road is 49 feet +/- not including porches.
* The average setback of all of the structures on the west side of Laytonsville Road is 44 feet +/- including porches.
* The immediate neighboring dwelling to the south, the Shortley residence, is 69 feet +/- from the western edge of Laytonsville Road, not including the porch and 61 feet +/- from the western edge of Laytonsville Road including the porch.
* The average setbacks above do not include the McDonald residence which fronts Brink Road and does not include the commercial buildings. These measurements are taken from the western edge of Laytonsville Road. In the interest of economy these measurements were determined using web-based tools and not field methods.
* Based on the drawings provided by the applicants, dated January 23, 2023, I estimate that the dwelling will be 102 feet +/- from the western edge of Laytonsville Road.

Mayor Ruspi clarified that if the house for Lot 2C was to be moved towards Route 108 by only 15 feet it would then be 87 feet +/- from the edge of the road.

Mr. De La Rosa said he has been told that if the house were moved more than 15 feet the basement would be further underground which would add construction costs that they do not have in their budget.

Council Member Koval inquired about the original site development plan that was approved and asked if it took storm water management into account. Mr. Cum said the original plan had the house facing Route 108 and it was more in line with the other houses on the street. He explained the storm water regulations have changed since that plan was developed which now requires more onsite storm water management. Mr. Crum said he does not anticipate there will be runoff issues.

Charles Hendricks, Historic District Commission Chair, stated he is concerned that the Mayor and Council may make a decision this evening without having the final site development plan in hand. He shared his opinion that the Town deserves to have a final plan and the citizens have a right to review the plan. Mr. Hendricks said exactly how high the house is going to be and the distance from the road should be available before a decision is made. He is concerned that if the house is elevated it may cause rainwater runoff onto adjacent properties.

Eric Wenger, Planning Commission Chair, said he appreciates Mr. Hendricks’s perspective, and he continues to believe that some continuity needs to be maintained since the lot is part of Laytonsville Preserve and is in the residential historic district.

Mr. Crum shared an image of the previously approved site plan which shows the house to be 71’ 9” from the road. The garage is detached. Mr. Crum said the plan shows a storm water management system, which he believes was installed by the developer, that should prevent runoff onto adjacent properties.

Mr. Crum clarified that if a revised site development plan is developed which moves the house up 15 feet, the house would then be setback from the road 87 feet +/. This is a difference of approximately 15 feet from the setback in the original site development plan.

Council Member Koval clarified that the original site development plan did not have a walkout basement.

Mr. Wenger said it seems that if the house is moved up 15 feet it will fit in much better, and the grading and storm water management appears to be well handled.

Mr. McKee said the storm drain is taken care of and there is no way for water to travel across White House Lane. He said they have tried to find a middle ground not to have the house too far from the road and still accommodate a walkout basement. Mr. McKee thinks they can manage moving the house forward a little and still maintain the walkout basement.

Mr. Hendricks asked if the elevation of the house will be maintained if it is moved forward. Mr. McKee said the elevation may change by a half foot, but he thinks it can be maintained where it is and be handled by grading behind the house.

Mr. Robert Shapiro shared information on drywells and storm water management requirements.

Council Member Bradsher clarified the difference between the proposed setback and the setback of the neighboring property which is approximately 18 feet.

Council Member Burke asked the estimated cost for building the house and how much more it would cost if the house were to be moved up 20 feet instead of 15 feet. Mr. De La Rosa said the construction costs should be about $600,000 and Mr. Ryan Shapiro said the additional costs for foundation walls and steps would be between $5,000 and $6,000. Mr. Burke said this is only a 1% increase in cost and he would like to see the house moved up closer to the road.

Council Member Koval said while it is desirable to have a walkout basement the lot was not prepared for it.

Mr. Robert Shapiro said that a lot of the houses on Route 108 were built in the 1800’s. He said the road is now heavily trafficked and Mr. De La Rosa and Ms. Membreno would like to have the home set further back for safety reasons. Mayor Ruspi said three of the four Council members live 25 feet or less from the road and he has lived in his home for 43 years.

Jill Ruspi, 7111 Brink Road, said how well insulated a house is makes a big difference in diminishing the sound of passing traffic.

Mr. Hendricks asked the Mayor and Council to consider that the location of the house in the current site development plan may be in the best location. He said if the house is moved up 15 or 20 feet it still will not be in line with the other houses, but it could be more imposing if it is raised and is closer to the road.

Mayor Ruspi asked if any additional comments had been received. The Clerk and Assistant Clerk confirmed that no additional comments were received for the public hearing.

Mr. De La Rosa thanked the Mayor and Council for their time and consideration and said they will be moving the house closer to the road.

There being no further comments Mayor Ruspi asked for a motion to close the public hearing.

Council Member Bradsher made a motion to close the public hearing. Council Member Koval seconded the motion. ***Unanimously approved.***

The public hearing was closed at 8:33p.m.

Respectfully submitted,

Joy M. Jackson

Assistant Clerk

March 21, 2023