



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Consent Item #
MCPB 03-13-08

MEMORANDUM

DATE: February 28, 2008
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Robert A. Kronenberg, Supervisor
Development Review Division
FROM: Sandra Pereira, Senior Planner *SP*
Sandra.pereira@mncppc-mc.org
Development Review Division
(301) 495-2186



REVIEW TYPE: **Limited Site Plan Amendment**
CASE #: **82003003B**
PROJECT NAME: Fairfield at Germantown
APPLYING FOR: Revisions to playground equipment, mailboxes, lighting, landscape, sidewalks; addition of recycling container locations; adjustment of Building 12 location; updates to the Forest Conservation Plan

REVIEW BASIS: Div. 59-D-2.6 of Montgomery County Zoning Ordinance for Minor Plan Amendments

ZONE: RMX-2 and R-200
LOCATION: Southeastern quadrant of Father Hurley Boulevard and Waterford Hills Road

MASTER PLAN: Germantown
APPLICANT: Germantown Farms, LP
FILING DATE: November 9, 2007
HEARING DATE: March 13, 2008

STAFF RECOMMENDATION: Approval of the proposed amendment to Site Plan 82003003A for revisions to playground equipment, mailboxes, lighting, landscape, sidewalks; addition of recycling container locations; adjustment of Building 12 location; and updates to the Forest Conservation Plan. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on February 15, 2008, shall be required except as modified by the following conditions:

A. Forest Conservation

The applicant shall comply with the following condition of approval from M-NCPPC-Environmental Planning in the memorandum dated March 3, 2008 [Attachment C]:

- Compliance with the conditions of approval of the Final Forest Conservation Plan Amendment dated March 2, 2008.

B. Certified Site Plan

Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to staff review and approval:

1. Include resolution for Limited Site Plan Amendment.
2. Revise modifications list on each sheet of the set to reflect language and numbering in the resolution.
3. Revise layout of tot lot to include play equipment equivalent to the previously approved "pick-up truck".
4. Provide striping (painted crosswalks) on Waterford Hills Boulevard on all areas where the specialty paving was previously approved to designate crosswalks.
5. Alphabetize plant list by plant symbol rather than common name.
6. Label planting material on the landscape plans with the same symbols as used on the plant list. Trees are labeled with a single letter whereas plant list shows a two-letter symbol for all plant material.
7. Revise Plant Note no. 23 for substitutions of plant material to include M-NCPPC in addition to landscape architect and owner.

BACKGROUND

The **Project Plan No. 920020020** for Fairfield at Germantown was presented to the Planning Board on June 13, 2002 (Planning Board Resolution dated June 19, 2002) for approval of 610 garden apartments including 92 MPDUs and 250,000 GSF office/retail on 62.4 acres, subject to conditions.

The **Preliminary Plan No. 120020680** for Fairfield at Germantown was presented to the Planning Board on June 13, 2002 (Planning Board Resolution dated July 16, 2002) for approval of 610 multi-family dwelling units and 250,000 GSF office/retail use on 62.4 acres, subject to conditions.

The **Site Plan No. 820030030** for Fairfield at Germantown was presented to the Planning Board on January 16, 2003 (Planning Board Resolution dated January 28, 2003) for approval of 604 housing units, including 91 MPDUs on 62.4 gross acres, subject to conditions.

The **Site Plan Amendment No. 82003003A** for Fairfield at Germantown was presented to the Planning Board on March 17, 2005 (Planning Board Resolution dated December 16, 2005) for

approval of 200 multifamily condominium units on one lot, including 30 three-bedroom MPDUs on 10.92 gross acres in the RMX zone, subject to conditions.

PROPOSED AMENDMENT

An amendment was filed on November 9, 2007 that requests specific changes to the approved site plan. The amendment proposes the following modifications:

1. Add three recycling container locations.
2. Adjust the location of Building 12 as a result of adding a stormwater management bio-retention facility.
3. Substitute playground equipment.
4. Replace on-street mail kiosks with mailboxes within each building.
5. Revise lighting and landscape plans.
6. Eliminate non-standard pavers within the public right-of-way per DPS/ DPWT requirements.
7. Re-align sidewalks for access or health code requirements.
8. Update the Final Forest Conservation Plan.

PUBLIC NOTICE

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on November 15, 2007. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff has not received any written comments from the parties of record for the proposed application; however Staff did receive a phone call from a resident concerned with noise attenuation from the CSX tracks. The resident enquired about the specific measures that were implemented as part of the noise study for Fairfield at Germantown. According to the letter from Polysonics, dated November 15, 2006, [Attachment D] all the elements used for the exterior envelope of the buildings reasonably followed the recommendations included in the Polysonics December 12, 2002, outdoor/indoor Noise Analysis report.

STAFF REVIEW AND RECOMMENDATION

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan. This Amendment has been submitted to formalize modifications to the site plan that have already been built and subject to enforcement action. The procedures are somewhat reversed since the Applicant should have received prior approval for site plan modifications before actually building. The Applicant was issued a notice of non-compliance for proceeding in violation of their approved site plan. Because several modifications resulted from

other agencies' requirements and field conditions encountered during construction, the Applicant has chosen to amend the site plan.

1. Recycling container locations

The Amendment proposes to add three recycling container locations that are well distributed throughout the site and easily accessible by the community of Fairfield at Germantown. These are located at 1) the western edge of the site at Derry Glen Court, between Buildings 2 and 4, 2) to the west of the Carlow Point Circle, between Buildings 1 and 2, and 3) the eastern edge of the site on Kildare Hills Terrace, between Buildings 10 and 12. These 4' x 8' concrete pads abut the parking lot edge, a pedestrian pathway, and the road, respectively. These locations have been coordinated with MC-DPWT for recycling collection purposes and accessibility by the community.

2. Building 12

The location of Building 12 has moved by approximately 15 feet to the east as the result of the construction of a stormwater management bioretention facility required by MC-DPS (Figure 1). This facility, located immediately to the west of Building 12 and in between the building and the parking lot, complements the extensive bioretention facilities provided in this development. The shift of Building 12 and respective access points has caused minor adjustments to the sidewalks leading up to the building, and parking lot layout immediately adjacent to the building. The pedestrian path to the east of the building has been relocated to the west side next to the bioretention facility. Setbacks were not violated as a result of the building shift.



Figure 1 - Bioretention facility required by MC-DPS (to the left), relocated sidewalk (center), and Building 12 (to the right).

3. Playground Equipment

The playground equipment, located in the open space surrounded by Buildings 12, 13 and 14, has been substituted because the approved models were discontinued. The new equipment in the playground and tot lot is equivalent in the type and number of activities provided to the play equipment previously approved (Figures 2 & 3). In the tot lot, play equipment equivalent to the

previously approved “pick-up truck” will be provided at the time of Certified Site Plan subject to Staff approval.



Figure 2 & 3 - Play equipment installed at the playground and tot lot, respectively.

4. Mailboxes

Two on-street mail kiosks were replaced with mailboxes within each building. This modification will allow for more convenience for the residents to access their mail.

5. Lighting and Landscape

The landscape plan was revised to reflect the new selection of plant material installed throughout the site. While the selection of plant material varies greatly from the approved landscape plan, the layout and intent of the original plan was maintained to a large extent. The new plant material continues to define outdoor spaces and circulation patterns, while creating an environment that is pleasant and conducive to pedestrian activity. The variety and hierarchy of new plant material is adequate for a development of this scale. Four trees at the entrance of Fairfield at Germantown were eliminated per MC-DPS request.

Modifications to the lighting plan include adjustment to the locations of light poles, and model of light fixtures. The revised lighting plan proposes adequate levels of illumination that do not exceed 0.5 footcandles (fc) at any property line abutting county roads. The light fixtures proposed on the public road are full cut-off, whereas the ones proposed throughout the development are semi-cutoff equipped with reflectors.

6. Non-standard pavers within the public right-of-way

Non-standard pavers within the public right-of-way on Waterford Hills Boulevard were eliminated per DPS/DPWT requirements. These pavers delineated four areas for pedestrian crossing on Waterford Hills Boulevard. Staff conditions that painted crosswalks be provided in-lieu-of the non-standard pavers, which were eliminated, in order to designate locations for safe pedestrian crossings. In addition, all these crossings must meet ADA requirements for universal access on both sides of Waterford Hills Boulevard and through the median.

7. Sidewalk

Sidewalks were re-aligned in several locations to address site conditions, to provide emergency vehicle access and/ or to meet code requirements for pool access. The sidewalks modified include the ones between Buildings 4 and 5, between Buildings 9 and 10, at the south end of Building 12, at the east end of Building 5, and adjacent to the pool and pool cabana. As a result of re-aligning the sidewalk between Buildings 4 and 5, the bike racks were moved from the west side of the sidewalk to the east side. The new alignments of the sidewalks are acceptable.

8. Forest Conservation Plan

The Final Forest Conservation Plan has been amended to address an overlapping forest conservation easement and a right-of-way/slope easement on a future extension of Father Hurley Boulevard as requested by MC-DPWT. Staff of the Environmental Planning Division at M-NCPPC recommends approval of the revised Final Forest Conservation Plan as specified in their correspondence dated March 3, 2008.

This amendment did not go to DRC but was circulated to departmental staff for review and comment. Staff indicated approval of the amended items specified in the Applicant's request.

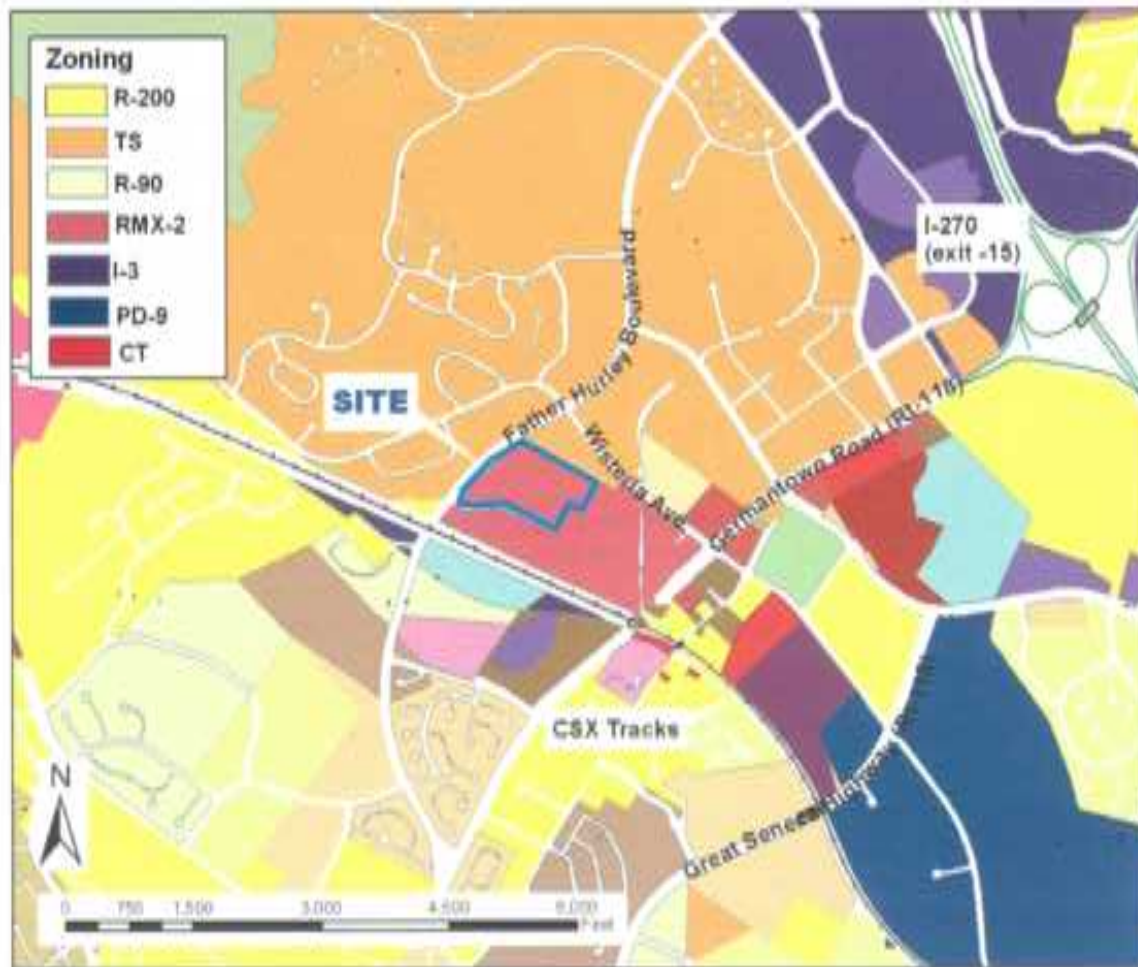
Staff recommends **APPROVAL** of the Site Plan Amendment for the Fairfield at Germantown (Site Plan No. 82003003B) for modifications to the approved site plan subject to the conditions outlined above.

ATTACHMENTS

- A. Site Vicinity
- B. Site Description
- C. Memorandum from M-NCPPC Environmental Planning Division
- D. Letter from Polysonics, dated November 15, 2006

Site Vicinity

The site is bounded on the NW by Father Hurley Boulevard between Wisteria Avenue and the CSX tracks; on the SW by the CSX tracks, across which are single family attached dwellings; on the SE by underdeveloped, industrial/commercial properties along MD Rt-118 and along old Waters Road; and on the NE by low-density non-residential uses along Wisteria Drive. The CSX tracks run alongside most of the southern edge of the subject site. The MARC station at the intersection of the CSX tracks and MD Rt-118 are within walking distance from the eastern portion of the site.



Vicinity map depicting approximate site boundary for Fairfield at Germantown (Amendment B) in blue.

ATTACHMENT B

Site Description

The Fairfield property, located in Germantown, originally consisted of 62.4 +/- acres divided into two individual properties for the housing and commercial components. The housing component was further divided into Phase I and Phase II (north and south of Waterford Hills Boulevard, respectively) (see map below). Currently, the site for Fairfield at Germantown consists only of the portion that was originally designated as Housing Phase I which corresponds to 38.5 acres, of which 36.1 acres are in the RMX-2 zone and 2.40 are in the R-200 zone.



Site Plan No. 820030030 showing the original phasing for Fairfield at Germantown. Only the area outlined in yellow, labeled as Housing Phase 1, is the subject of this amendment.



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

TO: Sandra Pereira, Development Review

VIA: Mark Pfefferle, Supervisor, Environmental Planning *mp*

FROM: Doug Johnsen, RLA, Environmental Planning

DATE: March 3, 2008

SUBJECT: Final Forest Conservation Plan Amendment, Outlot A
Fairfield at Germantown
Site Plan 82003003B

Staff recommends approval of the final forest conservation plan for Site Plan 82003003B subject to the following conditions:

1. Compliance with the conditions of approval of the Final Forest Conservation Plan Amendment dated March 2, 2008.

DISCUSSION

This memorandum contains Environmental Planning staff's review and recommendations on an amendment to the final forest conservation plan for the Fairfield at Germantown project, plan number 820030030.

BACKGROUND

The 46.75-acre property is located at the southern corner of the intersection of Father Hurley Boulevard and Wisteria Drive. A Final Forest Conservation Plan (FCP) was submitted to Environmental Planning and approved on September 4, 2003. An amendment to the FCP was submitted to Environmental Planning and approved on March 21, 2005.

This current amendment to the forest conservation plan is submitted to address roadway grading into Outlot A to construct the extension of Father Hurley Boulevard. The temporary slope easement needed to grade the roadway will result in the removal of 0.20-acres (8,712 sq. ft.) of existing forest within a Category I forest conservation easement (FCE). This temporary slope easement will be extinguished upon completion of the roadway construction. Section 113-A(2) of the Forest Conservation Regulation requires that any project that proposes to remove an additional 5,000 square feet of forest be considered as a major amendment. Major amendments to a forest conservation plan must be approved by the Planning Board when the approval is associated with a preliminary plan of subdivision or site plan.

The proposed amendment to the forest conservation plan exceeds 5,000 square feet and therefore requires approval of the Planning Board.

Forest Conservation

The amendment to the approved final forest conservation plan is required to allow the Montgomery County Department of Public Works and Transportation (DPWT) to construct the master planned Father Hurley Boulevard. The Board reviewed the Mandatory Referral for the Father Hurley Boulevard on June 15, 2006 and approved the forest conservation plan for the roadway for all sections except for that portion that was included in the Fairfield at Germantown forest conservation plan.

When the Fairfield at Germantown site plan and forest conservation plan was approved in 2005, DPWT had not finalized the road grades for Father Hurley Boulevard and an insufficient area outside the conservation area was provided for DPWT to construct the roadway. Since DPWT now knows the grading requirements the temporary slope easement must be expanded for the construction to occur. DPWT has determined that an additional 0.12-acres of existing forest needs to be removed and 0.08-acres of reforestation planting required of the private developer cannot occur in the location approved in forest conservation plan 820030030. Unfortunately DPWT will not return the graded area to pre-existing grades or a grade that is conducive to forest planting. Therefore, DPWT is proposing to meet the requirements by replacing the 0.12-acres of forest at a 2:1 rate and the 0.08-acre planting area will be replaced at a 1:1 rate. The exact location of the replacement planting remains to be determined.

RECOMMENDATION

Environmental Planning staff recommends approval of the amendment to final forest conservation plan 820030030.

**POLYSONICS CORP.**

ACOUSTICS AND TECHNOLOGY CONSULTING

www.polysonics-corp.com

November 15, 2006

Mr. Jay Johnson
Fairfield Development, LLC
7200 Wisconsin Avenue, Suite 1108
Bethesda, Maryland 20814
301-654-2884

Fairfield at Germantown
Site visit and inspection
Letter Report

Dear Mr. Johnson:

In the report dated November 5/2002 Polysonics included the results of the Transportation Noise Impact Analysis at Fairfield at Germantown Project adjacent to Father Hurley Boulevard and Marc Railway in Montgomery County.

In the letter dated December 12, 2002 Polysonics included the results of the Outdoor/Indoor Noise Analysis upon Buildings 1, 2 and 4 (shown as 3, 4 and 5 in Fairfield Development drawings) with the specifications for exterior walls, windows and balcony doors recommended to achieve interior noise levels no greater than 45 dBA Ldn.

On August 18, 2006, Polysonics performed a site visit and inspection to mentioned buildings at Fairfield at Germantown project. The purpose of the site visit was to verify with the builder that the specifications of the elements used for the exterior walls of the buildings (exterior walls, windows and balcony doors) followed the recommendations of Polysonics included in the December 12, 2002 letter regarding Outdoor/Indoor Noise Analysis.

FINDINGS

Windows

In the letter dated December 12, 2002 Polysonics recommended the installation of ½ inch insulated windows with a minimum STC rating of 28. The builder stated that 5/8 inch insulated windows were installed at the facades of mentioned buildings and provided to Polysonics a copy of the respective laboratory test showing a STC rating of 29. (See report No. 549569). STC 29 favorably exceeds the recommendation of Polysonics.

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Vinyl Walls

Polysonics recommended the construction of exterior walls comprised of 2"x4" wood studs with an exterior layer of ½ inch gypsum board, OSB, or plywood, an interior layer of ½ inch gypsum board and 3-1/2 inch batt insulation in the cavity. The builder stated that exterior vinyl walls are comprised of exterior vinyl siding, 7/16 inch OSB, 2"x4" wood studs, 5/8 inch gypsum boards at the inner side and 3-1/2 inch batt insulation in the cavity. This system reasonably resembles the system recommended by Polysonics in the December 12, 2002 letter.

Brick walls

The builder stated that exterior brick walls utilized at some units are comprised of 4 inch bricks, 2 inch air space, 7/15 inch OSB sheathing, 5/8 inch gypsum boards at the inner side and 3-1/2" batt insulation. This wall system favorably exceeds the recommendations of Polysonics.

Balcony Doors

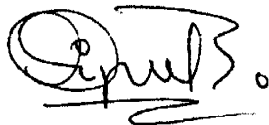
Exterior doors are installed behind decorative balconies at the façade of some units. Even though laboratory tests for these doors are not available at this time, the builder provided the specifications received from the manufacturer. The builder stated that installed balcony doors are comprised of 1 ¾ inch solid wood frame and ½ inch insulated glass. Polysonics estimates that these doors can exhibit the STC rating of 28 that Polysonics recommended in the December 12, 2002 letter.

Carpets

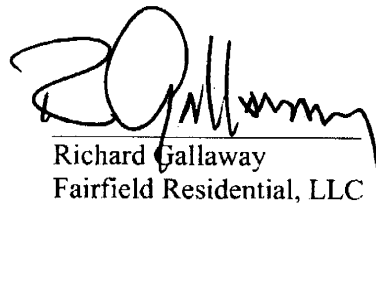
All rooms adjacent to the facades use heavy carpets providing absorption to the interiors.

Based on the site visit and inspection, the information and specifications provided by the builder, Polysonics considers that the elements used for the exterior envelope of mentioned buildings (exterior walls, windows and balcony doors) reasonably followed the recommendations included in the Polysonics December 12, 2002, outdoor/indoor Noise Analysis letter report.

Copies of Polysonics letter and windows test report are included for reference.



Miguel Moreno
Senior Consultant
Polysonics Corp.



Richard Gallaway
Fairfield Residential, LLC