



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

OCT 6 2008

MCPB No. 08-117
Preliminary Plan No. 12003110B
Cabin Branch Amendment B
Date of Hearing: April 3, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on July 2, 2004, Cabin Branch, LLC, ("Applicant"), filed an application to amend a previously approved preliminary plan of subdivision that was approved for 1,600 residential dwelling units, 1,538,000 square feet of commercial space and 500 dwelling units for senior housing to allow an additional 286 residential dwelling units and an additional 882,000 square feet of commercial space for a total of 1,886 residential dwelling units, 2,420,000 square feet of commercial space and 500 dwelling units for senior housing on 540 acres of land located on property generally bordered by MD Route 121 to the west and north, Interstate 270 to the east and West Old Baltimore Road to the south ("Property" or "Subject Property"), in the Clarksburg Planning Area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 12003110B, Cabin Branch Amendment B ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum ("Staff Report"), to the Planning Board, dated March 21, 2008, setting forth its analysis, and recommendation for approval of the Application, subject to certain conditions; and

DBC 9/19/08
Approved for legal sufficiency
M-NCPPC Office of General Counsel

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

WHEREAS, on April 3, 2008, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, the Planning Board held a public hearing ("Hearing") on the Application; and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 3-0, Commissioners Bryant, Hanson, and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan Amendment No. 12003110B, to allow 286 additional residential dwelling units and 886,000 square feet of additional commercial space on the Property, subject to the following conditions which supersede, in their entirety, any and all previously approved conditions of approval:

- 1) Applicant is bound by all binding elements for Local Map Amendment G-806.
- 2) Total development under this Application is limited to the following uses and density:
 - 1,886 residential dwelling units
 - 2,420,000 square feet of commercial space
 - 500 dwelling units of senior housing
- 3) The Applicant shall satisfy the following transportation improvements:

To satisfy Policy Area Transportation Review for the approved development under the original approval, the Applicant must:

- a. Construct, in accordance with the staging sequence referenced below, Newcut Road as a four-lane divided arterial roadway between West Old Baltimore Road and the eastern business district roadway parallel to I-270.
- b. Upgrade, in accordance with the staging sequence referenced below, West Old Baltimore Road to a two-lane arterial roadway standard between Broadway Avenue and Clarksburg Road (MD 121), as outlined in the Department of Public Works and Transportation's (now, Department of Transportation or "DOT") March 10, 2008, letter to M-NCPPC.

- c. Construct, in accordance with the staging sequence referenced below, two parallel, two-lane business district roadways between Newcut Road and MD 121 in lieu of a four-lane divided arterial roadway.
- d. Upgrade, in accordance with the staging sequence referenced below, MD 121 to an arterial roadway standard between West Old Baltimore Road and I-270 and upgrade the interchange ramps of MD 121 and I-270 that provides for six-lanes of traffic (both ways) on the MD 121 bridge over I-270.

To satisfy Local Area Transportation Review (LATR) for the total build out of development, the Applicant must also provide the following improvements:

- e. Construct, in accordance with the staging sequence referenced below, the following improvement at the MD 121/I-270 northbound on/off ramp:
 - Add a northbound left-turn lane to provide for dual left turn lanes.
 - Add a separate westbound left-turn lane.
 - Signalize the intersection.
 - Widen the Clarksburg Road bridge (MD 121) over I-270 to accommodate one additional though lane in each direction and a media island subject to SHA's requirements.
 - Add a westbound through lane on MD 121. This third westbound though lane would be dropped a the I-270 southbound loop ramp.
 - Add eastbound right-turn lane for I-270 northbound ramp.
 - Provide two lanes on the I-270 northbound ramp.
 - Provide non-automobile transportation amenities which include 2 LED traffic signals, 2 bus shelters, 1 super bus shelter, (defined as a larger than standard bus shelter with heating and lighting), and 3 bike lockers subject to approval by DPWT. If any of the non-auto amenities described here are not acceptable to DPWT, the Applicant must provide other improvements (at the discretion of M-NCPPC-Transportation Planning staff) equal to mitigating the same level of traffic to pass LATR.

- f. Construct, in accordance with the staging sequence referenced below, the following improvements at the MD 121/I-270 southbound on/off ramp:
- Add a westbound through lane.
 - Signalize the intersection.
 - Add an eastbound lane to southbound on-ramp I-270.
- g. Construct, in accordance with the staging sequence referenced below, the following improvements along the MD 121 frontage:
- Six-lane roadway section from the I-270 southbound on/off ramp intersection to the first site entrance (Street "A"/Whelan Lane). The entrance would include a two-lane roundabout with right-turn bypass lanes to add and drop the third lane for Clarksburg Road.
 - Four-lane roadway between Street "A"/Whelan Lane and First Avenue.
 - Two-lane section from First Avenue to West Old Baltimore Road and roundabout at West Old Baltimore Road at this intersection.

The preceding roadway improvements (3a through 3g) must be constructed in accordance with the sequence described in the Cabin Branch Roadway Improvement Phasing Table and associated Diagram dated March 20, 2008 (see Attachment to this Resolution). Construction of all roadway improvements tied to each phase must be complete and open to traffic prior to the issuance of any building permit for the next phase of development.

- h. Construct the following improvements at the MD 121/Gateway Center Drive intersection:
- Reconfigure the existing intersection to provide two lanes for through movement to, and from, the east.

This improvement must be complete and open to traffic prior to the issuance of building permits for the 1400th residential unit (not including the 500 senior housing units) and for more than 1,500,000 square feet of commercial space.

i. Construct the following improvements at the Stringtown Road Extended/
Gateway Center Drive intersection:

- Widen eastbound Stringtown Road Extended to provide dual left-turn lanes.
- Convert a southbound Gateway Center Drive through/right lane in to a through lane and construct a free right turn lane with a channelized median.

These improvements must be complete and open to traffic prior to the issuance of building permits for the 1400th residential unit (not including the 500 senior housing units) and for more than 1,500,000 square feet of commercial space.

j. Construct or participate on a pro rata share in the following improvements at the MD 121/Frederick Road (MD 355) intersection:

- Re-stripe northbound MD 355 to convert from a through-right and a right-turn lane to a through-left and a right-turn lane.
- Modify the traffic signal to meet the requirements of SHA traffic operation with new lane configuration.

These improvements must be complete and open to traffic prior to the issuance of building permits for the 1400th residential unit (not including the 500 senior housing units) and for more than 1,500,000 square feet of commercial space.

k. Construct or participate on a pro rata share in the following improvements at the MD 355/West Old Baltimore Road intersection:

- Widen eastbound approach of West Old Baltimore Road to provide for a separate right-turn lane
- Widen the northbound approach of MD 355 to provide for a separate left-turn lane and a three-lane section on MD 355 between West Old Baltimore Road and Brink Road.
- Widen southbound approach of MD 355 to provide separate right-turn lane at West Old Baltimore Road.

These improvements must be complete and open to traffic prior to the issuance of building permits for the 1400th residential unit (not including the 500 senior housing units) and for more than 1,500,000 square feet of commercial space.

- I. Construct or participate on a pro rata share in the following improvement to MD 355 at Brink Road.
 - Widen MD 355 south of Brink Road to a four-lane divided section to join the existing four-lane section at Willstone Manor Lane.

This improvement shall be complete and open to traffic before the issuance of 1400th residential building permit and for more than 570,000 square feet of commercial space.

- m. Prior to the issuance of 1,256 residential building permits (not including the 500 units of senior housing), widen the MD 121 northbound off-ramp to 2 lanes. Should the construction of a grade separated interchange at Newcut Road/I-270 be funded in the Maryland Consolidated Transportation Program by the time that the Applicant has obtained bids for the widening of the northbound off-ramp, the Applicant shall then transfer to SHA a sum equal to the actual bid cost of construction for the northbound off-ramp improvement for use in construction of the Newcut Road/I-270 interchange and such contribution shall be considered as having met the Applicant's obligation for such improvement.
 - n. If any of the road improvements identified in the above paragraphs either are now, or become obligations of other projects, applicants of other projects may participate in the joint funding of such improvements. The basis of participation on a pro rata share is the sum of total peak hour trips generated by the subject development over the sum of total peak hour trips generated by all developments required by the Planning Board to participate in the construction of the particular improvement.
- 4) Prior to certification of the initial site plan, the Applicant, M-NCPPC Transportation Planning staff, and DPWT staff shall consider mutually acceptable trip reduction measures. The parking ratios for non-residential uses in the Cabin Branch Community will also be determined at the time of Site Plan review considering the trip reduction goals.
 - 5) All road rights-of-way shown on the approved preliminary plan must be dedicated, by the Applicant, to the full width shown in the Adopted June 1994, Clarksburg Master Plan unless otherwise designated on the preliminary plan.

- 6) All road right-of ways shown on the approved preliminary plan must be constructed, by the Applicant, to the full width mandated by the Clarksburg Master Plan, and to the design standards imposed by all applicable road codes unless modified by DOT or the Montgomery County Department of Permitting Services ("DPS").
- 7) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan including: reforestation of the stream buffers starting in the first growing season after DPS issuance of the initial sediment control permit; and a 5-year maintenance period for all planted areas. Final forest conservation plan(s) to be approved at the time of site plan(s). The Applicant must satisfy all conditions prior to recording of plat(s) or DPS issuance of sediment and erosion control permits.
- 8) Record plat to reflect a Category I easement over all areas of forest conservation and stream valley buffers.
- 9) Record plat to reflect common ingress/egress and utility easements over all shared roadways and driveways.
- 10) Record plat to reflect to the Board of Education, dedication of an elementary school site as shown on the approved preliminary plan or as modified by Infrastructure Plan or Site Plans. Applicant to grade the site to elevations that are acceptable to MCPS and construct any retaining walls as are necessary to support the program requirements of an elementary school facility. The bounds of the school parcel shall exclude any retaining walls.
- 11) Applicant to convey to M-NCPPC, in fee simple, the agreed area of contiguous land that is located between the proposed elementary school site and proposed Fulmer Avenue (Street H), Bryne Park Drive and Stilt Street (Street J) and continuing south along the Little Seneca Tributary to West Old Baltimore Road. The northern portion of the conveyed land must include at least 10 acres of contiguous land that is suitable for active recreation uses divided only by the historic home (including circular driveway) which is to be dedicated to the HOA or other party acceptable to M-NCPPC staff. Parkland must be conveyed prior to recordation of plat for that particular land area and conveyed free of trash and unnatural debris. Park boundaries must be staked and signed to distinguish from private properties.
- 12) At the time of individual site plan review, the Applicant must work with M-NCPPC staff to finalize and clearly delineate the exact park dedication boundaries that are acceptable to Parks Department staff. Park boundaries

shall be easy to identify, manage, sign and shall be clearly distinguishable from HOA property and private property.

- 13) No retaining walls or stormwater management ponds or facilities to be located on dedicated parkland.
- 14) Within the conveyed local park acreage, Applicant to provide, at Applicant's expense, the following active recreational facilities and amenities:
 - At least one (1) adult sized soccer field,
 - one (1) multi-age playground acceptable to M-NCPPC staff,
 - an open grass play area as prescribed below
 - a picnic area with two (2) shelters,
 - eight (8) foot minimum width hard surface trails within the park to serve the various facilities, except ten (10) feet wide where needed for maintenance access,
 - one drinking fountain,
 - park signage,
 - information kiosks,
 - a portable restroom pad and enclosure as determined by staff,
 - appropriate fencing for safety purposes along any retaining wall or steep slopes (as acceptable to M-NCPPC staff),
 - park landscaping,
 - Local park parking for at least 120 cars, including at least 60 spaces on the conveyed parkland. Parallel parking spaces along the park side of the adjacent roads should be appropriately striped and marked to delineate the individual parking spaces available for park users.

Park conveyance and facility layout to be substantially as set forth on the approved Infrastructure Plan, with final details of park design, engineering, grading and layout to be determined in coordination with, and acceptable to, M-NCPPC park staff prior to individual certified site plan approval. Facilities to be constructed to park standards and specifications after procurement by Applicant of appropriate park permit. Copies of applicable standards and specifications will be provided to Applicant by time of certified site plan approval.

- 15) The open grass play area adjacent to the historic house to include some relatively flat area(s) that is suitable for informal ball-type play. The final grading plan must incorporate this flat play area and be acceptable to M-NCPPC Parks Department staff.

- 16) Applicant to construct hard surface and natural surface trails on conveyed parkland and throughout the community to connect open spaces, elementary school and parkland together in an accessible, pedestrian friendly manner. Applicant to work with M-NCPPC staff prior to certified site plan approval to establish exact locations of needed trails in order to provide recreational opportunities to the communities and businesses within the subdivision. The trails within parkland must be constructed to park standards and specifications.
- 17) Compliance with the DPS conditions of approval of the Preliminary Water Quality Plan and stormwater management concept letter dated, May 13, 2004.
- 18) Compliance with conditions of approval of DOT letter dated, May 14, 2004 and March 9, 2008 unless otherwise amended by DOT.
- 19) Access and improvement along Clarksburg Road (MD 121) and I-270 as required by the State Highway Administration ("SHA").
- 20) Clearing and grading on-site must be in accordance with the Infrastructure Site Plan; no recordation of plats prior to approval of certified site plan.
- 21) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 22) No encroachment into stream buffers for stormwater management or sediment control facilities, except for necessary outfalls and temporary sediment control facilities in unforested buffers, without prior approval by the Planning Board.
- 23) Applicant to work with M-NCPPC staff before individual site plan approvals to reduce onsite cut and fill from that shown on the preliminary plan, and minimize the height of retaining walls wherever possible.
- 24) Maintenance of common open space facilities, including retaining walls and historic structure to be addressed prior to approval of any and all subsequent site plan approvals.
- 25) A landscape and lighting plan must be submitted as part all future site plan applications for review and approval by M-NCPPC staff.
- 26) Staging sequence of development shall be revised as follows:

The Preliminary Plan will remain valid for one hundred and twenty one (121) months from the date of mailing of the Planning Board Resolution for this Planning Board action. Record plats must be recorded based on the following staging sequence:

- Stage I (expires 31 months from the date of mailing of the Planning Board Resolution): 420 dwelling units, 125 senior housing units and 380,000 square feet commercial.
- Stage II (expires 61 months from the date of mailing of the Planning Board Resolution): 404 dwelling units, 250 senior housing units and 380,000 square feet commercial.
- Stage III (expires 91 months from the date of mailing of the Planning Board Resolution): 388 dwelling units, 125 senior housing units and 380,000 square feet commercial.
- Stage IV (expires 121 months from the date of mailing of the Planning Board Resolution): All remaining development.

Prior to the expiration period, the final record plat for all remaining lots within each phase must be recorded, or a request for an extension must be filed.

- 27) The Adequate Public Facility review for the Preliminary Plan will remain valid for one hundred and twenty one (121) months from the date of mailing of the Planning Board Resolution.
- 28) TDRs must be recorded in accordance with Section 59-C-10.3.132 and 59C-10.3.133 of the Montgomery County Zoning Ordinance.
- 29) Other necessary easements must be shown on the record plats.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The subject 540-acre property is located within the Cabin Branch Neighborhood of the 1994 Clarksburg Master Plan Area. The Master Plan states that the opportunity to provide a transit-oriented residential neighborhood is one of the most important public policy objectives. In summary, the Master Plan objectives are as follows:

- Provide a mix of uses including employment.
- Encourage an employment pattern that is supportive of I-270 as a high-technology corridor.
- Create a transit-oriented land use pattern.
- Maximize access to the proposed open space system.
- Provide a suitable transition to the rural/open space character south of West Old Baltimore Road towards Boyds.
- Provide an interconnected roadway system.
- Create a strong neighborhood focal point by concentrating public and retail uses in the same general area.
- Place special emphasis on protection of the west fork of Cabin Branch because of its high water quality and tree cover.

The Cabin Branch Neighborhood is the only portion of the western side of I-270 that is proposed for significant residential development. Most of the development in the Cabin Branch Neighborhood is recommended to occur on the Subject Property. The Master Plan states the recommended mix of uses for this neighborhood as follows:

Residential	1,950 dwelling units plus MPDU units
Employment	2.4 million square feet
Public Uses	Places of worship, childcare, community building, elementary school, and park

This Application envisions a comprehensively planned, mixed-use, transit-oriented and pedestrian-friendly community consistent with the goals of the Clarksburg Master Plan. The Board notes that further refinement of the site design along MD 121 and West Old Baltimore Road should occur at time of individual site plan review to insure compatibility of the proposed project with the surrounding Ten Mile Creek and Boyds communities.

The Planning Board finds that the proposed conceptual development as shown on the Preliminary Plan drawing is in conformance with the goals and objectives of the Clarksburg Master Plan.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The proposed lots generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Application has been reviewed pursuant to the Local Area Transportation Review ("LATR") guidelines establish in the Annual Growth Policy. A complete, updated, traffic study for this amended plan was reviewed by M-NCPPC, Transportation Planning staff, DOT, and SHA. The developer(s) of the project are required to construct and/or participate in numerous local and regional projects to meet the requirements of the LATR review. The transportation projects discussed in the Staff Report and required by the conditions of approval combine to meet the LATR requirements and are staged in a controlled sequence. The transportation projects also specify certain sidewalks, bikepaths, and shared use paths that will meet the pedestrian circulation requirements for the project. The Planning Board finds that the transportation projects will satisfy the LATR requirements; both vehicular and pedestrian access and circulation requirements are met through the conditions of approval.

Other public facilities and services are available and will be adequate to serve the proposed units. Public sewer and water service are available to the Property as testified to by MCDEP staff at the Hearing. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Property has appropriate access for fire and rescue vehicles. The Applicant is required to dedicate a school site to the Montgomery County Public Schools to address the future school needs of the Application. Other public facilities and services such as police stations, firehouses and health services are currently operating within the standards set by the Growth Policy resolution currently in effect. All other local utilities such as, electrical and telecommunications services are also available to serve the Property.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision. The lots were reviewed for compliance with the dimensional requirements for the RMX-1/TDR and MXP zones as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Planning Board had previously approved a preliminary forest conservation plan that considered the total development of the entire site. A final forest conservation plan was approved with the Infrastructure Plan. The forest conservation plan proposes removal of 58.97 acres of forest and retention of 71.58 acres. The developers will be required to plant 58.32 acres of forest to meet the requirements of the Montgomery County Forest Conservation Law under Chapter 22A of the Montgomery County Code. Since this is an optional method of development, the developers will be required to meet all forest conservation requirements on the Subject Property as shown on the final forest conservation plan.

Under the M-NCPPC's implementation of the Special Protection Area ("SPA") regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. Approximately 243 acres of the 540-acre site are within the Clarksburg SPA. Those portions of the site that drain to Cabin Branch, a Use I-P waterway, are not in the SPA except for two pods that were included because of the potential for groundwater contamination. The Cabin Branch tributary and the tributary immediately abutting and parallel to I-270, both drain to Little Seneca Lake. Since the property includes land both in and out of the SPA and the tributaries drain to a common water body, the Planning Board required that the planting requirements be treated as if the entire site were located within the Clarksburg SPA. Therefore, the Planning Board requires that the Applicant plant the stream buffers after DPS approval of the first sediment control/grading permit and that the Applicant provide a five-year maintenance period for all planting areas credited toward the forest conservation plan.

The Planning Board finds that the Application complies with the requirement of Chapter 22A.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the DPS that the Stormwater Management Concept Plan and SPA Water Quality Plan meet DPS's standards.*

A water quality plan is required for this development as part of the SPA regulations. Under the SPA law, DPS and the Planning Board have different responsibilities in the review of the water quality plan. DPS has reviewed and conditionally approved the elements of the final water quality plan under its purview. The Planning Board is responsible for determining if the site

imperviousness, environmental guidelines for SPAs, and forest conservation requirements have been satisfied. The Board finds that as conditioned the preliminary water quality plan meets the applicable requirements and should be approved.

6. *Other issues.*

The Planning Board heard testimony from three interested speakers at the Hearing. The first was Jim Clifford, Esq., representing the interests of the Miller family who reside on the south side of West Old Baltimore Road, and immediately adjacent to the Subject Property. Mr. Clifford spoke to the potential need for the Miller family home and property to be acquired for the future improvements to West Old Baltimore Road. He testified that the Miller family understood that their property was not needed for improvements to West Old Baltimore Road and had recently made \$80,000 in improvements to the home. More recently, the Millers learned that, due to wetland permitting issues for the nearby stream, the road will need to be expanded onto the Miller property and the house will need to be demolished. While not adamantly opposed to the development, Mr. Clifford asked on behalf of the Miller family that the Planning Board provide some assurance as to when the house and property would need to be acquired so that the Miller family could do some estate planning for the aged matriarch of the family.

The Planning Board also heard testimony from Greg Leck of DOT, who suggested that the improvements to West Old Baltimore Road were developer dependent. The developers and the Miller family would have to negotiate a purchase price for the required property. If such a settlement could not be achieved, only then would the developer be able to approach the County for a request to condemn the needed property. In response to this concern the Applicant's counsel indicated that the Applicant would be in contact with Mr. Clifford to start the negotiation process. The condemnation of the Millers home is beyond the scope of this proceeding.

The Planning Board also heard testimony from a Jim Cook, a resident on West Old Baltimore Road, who had a number of concerns with the Preliminary Plan. The first concern was with the phasing of the road improvements. Mr. Cook generally supported the phasing schedule that was tied to issuance of building permits, but expressed his belief that the improvements to West Old Baltimore Road and MD 355 were required too late in the development process. Mr. Cook was concerned that the intersection was already failing according to the LATR guidelines and that the improvement to this intersection should be accelerated in the phasing schedule since the development will add even more traffic prior to improvements to the intersection.

The Applicant's counsel argued that the Applicant's obligations under the current Plan include more stringent conditions of approval for this intersection, above those recommended in the original approval for the Application (12003110A). He pointed out that these include additional improvements to the intersection and a requirement that they be completed by issuance of the 1400th building permit which was not specified in the original condition language. In response to query by the Board, Staff concurred with the Applicant's representative that the staging for traffic improvements for this intersection and all other roadways included in the Application will satisfy the LATR requirements in a timely manner. Based on this discussion and the details of the LATR review, the Board finds that the proposed staging for traffic improvements is appropriate.

Mr. Cook was also concerned about the park trail connections from the development to the Black Hill Regional Park. He suggested that the specifics of the connections should be fully developed within the context of the Preliminary Plan, not at site plan as the conditions of approval stipulate. The Board elected to retain the language of the conditions as proposed.

Mr. Cook generally supported the condition of approval that requires developer funds to be diverted to the I-270/Newcut Road interchange should this project be included in the Capital Improvements Program in a timely manner, but worried that the funds might be diverted to the MD 121 interchange instead. Staff responded that the proposed language will ensure the funds are applied correctly and the Board elected to retain the proposed condition of approval.

Mr. Cook also expressed concern that the future Homeowners Association for Cabin Branch may be unfairly saddled with cumbersome maintenance costs for the retaining walls planned within the Cabin Branch community. Staff stated that they shared these concerns and will continue to work to reduce the heights of retaining walls as part of the individual site plan reviews. The Planning Board agreed that site plan is the appropriate time to further address this concern.

Mr. Cook finally expressed concern about the inclusion of "two-over-two" units as single family, attached units in the unit count mix for the overall development. His concern was that by defining these units as single family attached, it would allow additional multi-family units to be built. This concern was echoed by Kathy Hulley, President of the Clarksburg Civic Association. Staff, however, testified that the Zoning Ordinance allows two-over-two units to be classified as single family attached if there is appropriate usable open "yard" space for each unit, which must be the case in this instance. The Board was satisfied that application of the Zoning Ordinance standards as part of the site

plan review will prevent the unit mix of multi-family and single family attached from being skewed.

Ms. Hulley also agreed with Mr. Cook's concern about future HOA retaining wall maintenance costs and additionally expressed her own concerns about the look of the shopping center and the commercial center planned as part of the Application. It may be appropriate to address these issues as part of site plan review, but not in the context of a preliminary plan review. Ms. Hulley also took issue with the potential design of the water tower planned for the Cabin Branch community, a mandatory referral issue.

Finally, Ms. Hulley questioned the viability of the Limited Liability Corporation, Cabin Branch, LLC, the lead developer responsible for the infrastructure required for the Property, and who, if anyone, would be responsible should it fail as an entity. Her fear was that the HOA would ultimately become responsible for completion of the infrastructure.

In response to Planning Board query about this concern and the Board's ability to address it as part of a plan review, Legal staff advised that the Board's responsibility was to ensure that infrastructure be in place prior to, or commensurate with, development which the phasing schedule conditions require. The Applicant's counsel opined that while this concern may not be within the purview of the Planning Board, the Board's conditions of approval run with the land, not with individual developers. In the event of an unlikely failure of the LLC, or any of the individual developers, anyone who wished to develop on the Cabin Branch property would be subject to the same conditions of approval. The Applicant's counsel further argued that the LLC contains prominent members of the development community and are well capitalized. Based on this discussion, the Board is satisfied that while there is no guarantee of the LLC's survival, the conditions of approval of this Application will remain effective.

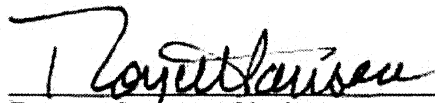
BE IT FURTHER RESOLVED, that the date of this Resolution is OCT - 6 2008 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a Resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Robinson, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, and Cryor, present and voting in favor of the motion, and Commissioners Alfandre and Presley abstaining, at its regular meeting held on Thursday September 25, 2008, in Silver Spring, Maryland.

A handwritten signature in black ink, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman
Montgomery County Planning Board

**Cabin Branch On-Site Road Improvement Phasing Schedule
 3/20/08**

Approved Phasing 12003110A	Proposed Phasing 12003110B	Improvement(s)	Approved Development 12003110A	Proposed Development 12003110B
1.1		2nd Avenue (A-304 West) - from MD 121 to Street Q. 2-lane business district road	210 units 190,000 s.f.	
1.2		MD 121 - from Street Z to the I-270 interchange, 2-lane to 4-lane to 6-lane	210 units 125 Senior units 190,000 s.f.	
1.3		MD 121/I270 interchange and bridge improvements	210 units 125 Senior units 190,000 s.f.	
1.4	2.1	2 nd Ave (A-304 West) - Street Q to W. Old Balt. Rd., 2-lane business district road Newcut Rd. (A-302) - from 2 nd Ave to 1 st Ave, 4-lane divided road	194 units 125 Senior units 190,000 s.f.	57 units 101,250 s.f.
1.5	2.2	1 st Ave (A-304 East) - from MD 121 to Street I, 2-lane business district road	194 units 190,000 s.f.	57 units 101,250 s.f.
1.6	2.3	1 st Ave (A-304 East) - from Street I to Newcut Rd. (A-302), 2-lane business district road	194 units 125 Senior units 190,000 s.f.	57 units 101,250 s.f.
1.7	2.4	MD 121 - from W. Old Balt. Rd. to Street Z, 2-lane arterial	194 units 190,000 s.f.	57 units 101,250 s.f.
1.8	2.5	W. Old Balt. Rd. (A-7) - MD 121 to Newcut Rd., upgrade to 2-lane arterial	194 units 208,000 s.f.	57 units 101,250 s.f.
	2.6	Non-automobile transportation amenities		58 units 101,250 s.f.

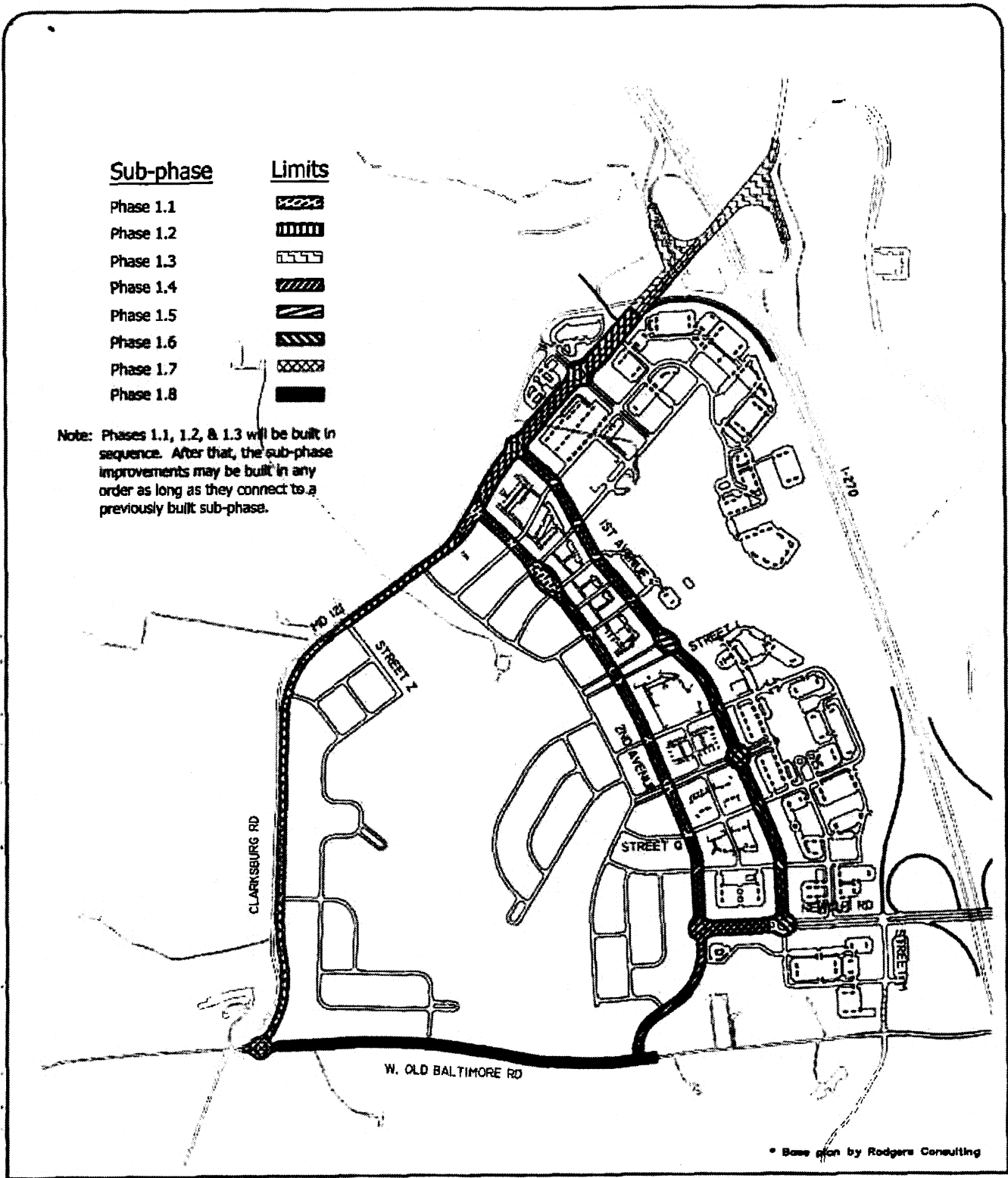


Figure 1
Phase 1 Policy Area Improvement Sub-phasing



Cabin Branch
Montgomery County, Maryland

WELLS & ASSOCIATES, LLC.
TRAFFIC, TRANSPORTATION, and PARKING CONSULTANTS



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

JUN 09 2008

MCPB No. 08-68
Site Plan No. 82005015A
Project Name: Cabin Branch Infrastructure Plan
Hearing Date: April 3, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on August 17, 2007, FFTM 1, Limited Partnership, Winchester Homes, Inc., King Farm Partnership, Concordia Group and Adventist Healthcare, Inc. ("Applicant"), filed a site plan amendment application designated 82005015A, Cabin Branch Infrastructure Plan (the "Amendment") for approval of the following modifications:

1. Amendment of the Infrastructure and Roads Only Site Plan for the design and cross section of West Old Baltimore Road; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated March 21, 2008, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on April 3, 2008, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

BAC 5/23/08

APPLICABLE TO THE MONTGOMERY COUNTY
M-NCP&PC Office of General Counsel

WHEREAS, during the hearing, Staff informed the Board that impacts to existing structures, wells and septic areas had been minimized during the design review; however, one home, a one-family detached structure on the south side of West Old Baltimore Road, would be unavoidably impacted, due to the location of the existing house to the road. DPWT Staff informed the Board that the impacts could result in condemnation of the house and property by the County for the improvements to West Old Baltimore Road but that the improvements are not a result of the proposed development, rather, standard improvements for construction of an arterial roadway. Counsel for the family, whose home would be impacted, voiced concerns over timing and activity of the construction, relocation and compensation. Commissioner Bryant noted that the Applicant needed to work with DPWT and the property owner to coordinate on the issues. John Cook with the Clarksburg Advisory Committee and an adjacent property voiced a concern regarding the provision of a water line in the event the construction impacts negatively impacted the water wells on the properties along the north side of West Old Baltimore Road. In rebuttal, the Applicant stated that a 12" water line is planned within the right-of-way for West Old Baltimore Road, not a 24" line as previously shown; however, a water line is planned within the road.

WHEREAS, on April 3, 2008, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 3-0, Commissioners Bryant, Hanson and Robinson voting in favor, and Commissioner Cryor absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. Infrastructure Plan
The applicant shall comply with the following conditions of approval of the Infrastructure Plan in the resolution dated September 19, 2007, unless specifically amended by this amendment.
2. Transportation
The Applicant shall comply with the following conditions of approval from the Department of Public Works and Transportation (DPWT) in the memorandum dated March 10, 2008 and from the M-NCPPC-Transportation Department in the memorandum dated March 13, 2008, or as amended.
3. Parks Department
The Applicant shall comply with the following conditions of approval from the Park Planning and Stewardship Division in the memorandum dated March 14, 2008:
 - a. Applicant to use all reasonable efforts to minimize the impact to trees located on parkland during road and park entrance improvements.
 - b. Park entrance road to remain open at all times during construction of road and park entrance improvements.

- c. Park entrance to be constructed to adequately and safely accommodate park users as well as large trucks and maintenance vehicles.
 - d. Any trees to be planted on parkland to be approved by parks staff to assure use of viable native species.
 - e. Applicant to secure a park permit prior to beginning any work on park property. Any improvements on parkland to be designed and constructed to meet park standards and specifications, and shall be acceptable to park staff.
4. Development Program
Applicant shall construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. A development program for each detailed site plan shall include a phasing schedule to incorporate the following site plan elements: street tree planting, community-wide pedestrian pathways and recreation facilities, other pedestrian pathways and seating areas, clearing and grading, necessary roads and phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
5. Clearing and Grading
No clearing or grading is permitted for West Old Baltimore Road prior to approval of the certified site plan.
6. Certified Site Plan
Prior to certified site plan approval of the Infrastructure and Roads Only Plans the following revisions shall be included and/or information provided, subject to staff review and approval:
- a. Development Program and Site Plan Resolution.
 - b. Undisturbed stream buffers unless specifically approved with the construction of the infrastructure.
 - c. Limits of disturbance.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on Cabin Branch Infrastructure Plan drawings stamped by the M-NCPPC on March 7, 2008 shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

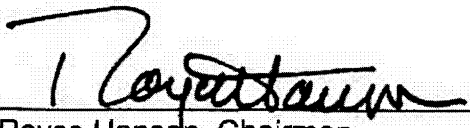
BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

JUN 09 2008 BE IT FURTHER RESOLVED, that the date of this written resolution is (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Robinson, seconded by Commissioner Bryant, with Commissioners Bryant, Hanson, and Robinson voting in favor of the motion, and Commissioner Cryor abstaining, at its regular meeting held on Thursday, May 1, 2008, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board



DEPARTMENT OF PERMITTING SERVICES

Isiah Loggett
County Executive

December 9, 2009

Carla Reid
Director

Mr. Fernando Benitez
Loiederman Soltesz Associates, Inc.
1390 Piccard Drive, Suite 100
Rockville, Maryland 20850

Re: **Final Water Quality Plan and
Stormwater Management Concept for
Cabin Branch Toll-1
SM File #: 230864
Tract Size: 55.0 acres
Zone: Mixed Residential
Tax Plate: EV 32
Watershed: Little Seneca Creek**

SPECIAL PROTECTION AREA

Dear Mr. Benitez:

Based on a review by the Department of Permitting Services, the Final Water Quality Plan (FWQP) and the stormwater management concept for the above mentioned site is conditionally approved. This approval is for the elements of the Final Water Quality Plan of which DPS has lead agency responsibility and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The site is bounded by West Old Baltimore Road, Clarksburg Road and I-270 and is approximately 55.0 acres. This area is partially within the Little Seneca Creek Watershed that is a designated Special Protection Area. This proposal is for a mixed use residential development.

Stormwater Management: Channel protection measures for this site will be provided via two extended detention dry ponds. These structures will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours per state standards. Quality control will be provided via a treatment train that consists of recharge structures, surface sand filters in series, structural water quality inlets (both filtering and flow through), grass channels and vegetated buffer filtering. Since open section roads will not be feasible for the majority of the site, additional water quality volume will be provided in the proposed end of outfall large surface sand filters. This will be done by sizing these structures to treat the entire drainage area regardless of the upland area that is already providing full treatment. Areas that are intended for vehicular use are to be pretreated prior to entering any water quality filtering structures. Recharge is to be provided below the outlet pipe of all of the proposed surface sand filters where groundwater or bedrock is not encountered.

Fernando Benitez
December 9, 2009
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Sediment Control: Redundant sediment control structures are to be used throughout the site. The use of sediment traps with forebays will be acceptable. The total storage volume is to be a minimum of 125% of the normally required volume.

All sediment trapping structures are to be equipped with dewatering devices. Also, due to the sensitive nature of the watershed coupled with the large amount of proposed development, the use of flocculants, compost material or other measures to increase the effectiveness of sediment removal may be required in the detailed sediment control plan. The following features are to be incorporated into the detailed sediment control plan:

1. The earth dikes that feed the sediment traps are to be constructed using trapezoidal channels to reduce flow rates.
2. The site grading shall be phased whenever possible to limit disturbance and immediate stabilization is to be emphasized. The details of the phasing sequence are to be addressed prior to submitting the detailed sediment control/stormwater management plan.
3. Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance.

Performance Goals: The performance goals that were established at the pre-application meeting are still applicable. They are as follows:

1. Protect the streams and aquatic habitat.
2. Maintain the natural on-site stream channels.
3. Minimize storm flow run off increases.
4. Identify and protect stream banks prone to erosion and slumping.
5. Minimize increases to ambient water temperatures.
6. Minimize sediment loading.
7. Maintain stream base flows.
8. Protect springs, seeps, and wetlands.
9. Minimize nutrient loading.
10. Control insecticides, pesticides and toxic substances.

Monitoring: The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). The requirements from DEP's predevelopment Monitoring Memorandum dated June 3, 2003 still apply. Additionally, the construction and post construction monitoring requirements are described in the "Attachment to the Final Water Quality Plan" memorandum by DEP dated December 2, 2009 and included with this Final Water Quality Plan approval letter.

Fernando Benitez
December 9, 2009
Page 3

Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS, and those responsible for conducting the monitoring to establish the monitoring parameters.

Conditions of Approval: The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. All of the conditions not addressed from previous approvals are still applicable. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

1. Provide clear access to all stormwater management structures from a public right-of-way. Provide driveway aprons and full depth paving in areas where curbs, sidewalks and bike paths must be crossed to access the structures. Access roads are to be no steeper than 15% with mechanical stabilization or 10% without mechanical stabilization. Each cell of the proposed structures must be accessible.
2. The Preliminary Water Quality Plan required that 150% of the MDE required recharge volume be provided due to the lack of open section roadways in this sensitive watershed and the deep cuts and fills that are proposed. Although this area appears to be providing the required recharge many of the recharge areas are in very deep cuts and/or have very high infiltration rates which may indicate they are in fractured rock. During the detailed review additional geotechnical study may be required to determine the feasibility of the proposed recharge structures. Additional upland recharge structures may be required. Since a large portion of this drainage area is to be private (sidewalks, bike paths, alleys, driveways and streets), the use of porous pavement/concrete should be investigated. The use of porous pavement would negate the impact on lot yield while spreading recharge over a larger area.
3. All recharge and upland water quality structures must be a minimum of five feet off of private property lines (including future phases).
4. Pond drains will be required for all of the Cpv structures due to the pond depth over the relatively small control orifice.
5. A formal dam breach study must be submitted for Pond #2 to determine the impact on the existing culvert in West Old Baltimore Road. This culvert may need to be replaced prior to Pond construction.
6. Both ponds are shown with embankment grading in very close proximity to the MNCPPC dedication and tree save areas. As shown, the placement of sediment controls to construct the ponds will likely require some encroachment in these areas.
7. All stormwater management structures, including storage pipe, shown within the public right-of-way must have MCDOT approval. Although there is an existing approval letter from MCDOT I don't believe that it included the type of filtering device that's proposed or the use of corrugated metal pipe that's proposed in some locations.
8. The untreated drainage areas to the proposed end of line surface sand filters must not exceed ten acres. The storage depth over surface sand filters is not to exceed two feet without hazard signage or four feet with hazard signage. The drainage area for the underground water quality structures is to be limited to two acres.

Fernando Benitez
December 9, 2009
Page 4

9. Surface water quality structures that are to be used for sediment control must have a minimum undisturbed buffer of two feet from the bottom of the sediment trap to the bottom of the stormwater structure.
10. Pond outfalls are to be located at non-erosive (down slope) areas. This may require stream valley buffer encroachment.
11. Temporary water quality control needs to be provided for the area of Broadway Avenue that's draining to West Old Baltimore Road (Str. #2014A).
12. Drain tile will be required in stormwater management structures where soil borings show that groundwater is present and where deep excavations are required.
13. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
14. Due to the size of this development a full-time, third-party, on-site, sediment control inspector is required to assure that the goals of the Water Quality Plan are not being met.

Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended Water Quality/Stormwater Concept Plan requirements.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at (240) 777-6242.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dpm:CN230864

cc: R. Kronenberg (MNCPPC-DR)
D. Johnsen (MNCPPC-ED)
R. Gauza (MCDEP)
L. Galanko
SM File # 230864

Qn: on-site 55.0 ac
Qi: on-site 55.0 ac.
Recharge provided

**Attachment to the Final Water Quality Plan for Cabin Branch (Toll Property)
Description of BMP Monitoring Requirements**

SM: #

Date: December 2, 2009

The purpose of this attachment is to add specificity to the standard monitoring requirements and procedures contained in the BMP monitoring protocols. Some supplemental QA/QC, data analysis, reporting and record keeping tasks will be explained in this attachment. It is to be used in conjunction with the Attachment to the Final Water Quality Plan for Cabin Branch (SM#207133) dated December 18, 2007.

This BMP monitoring is being done to document the achievements of these site performance goals:

1. Protect the streams and aquatic habitat;
2. Maintain the natural on-site stream channels;
3. Minimize storm flow run off increases;
4. Identify and protect stream banks prone to erosion and slumping;
5. Minimize increases to ambient water temperatures;
6. Minimize sediment loading;
7. Maintain stream base flows;
8. Protect springs, seeps, and wetlands;
9. Minimize nutrient loading; and
10. Control insecticides, pesticides and toxic substances.

The purpose of the data analysis and reporting is to describe quantitatively how performance goals are met. Monitoring efforts and reports must employ scientific methods in an attempt to determine effectiveness of BMPs. Monitoring is to be done according to DEP BMP Monitoring Protocols. Consistent methods are to be used so results can be compared with other BMP monitoring projects. Some supplemental requirements are provided in this attachment. Prior to initiation of monitoring, consultants must contact DEP and DPS to review monitoring locations, procedures, and requirements. Thorough and careful analysis of data is required. Methods of data analysis may vary depending on the results obtained. Methods and assumptions should be detailed. DEP BMP Monitoring Protocols are available at the following web site.
<http://www.montgomerycountymd.gov/content/dep/spa/pdf%20files/bmpprotocols.pdf>

Monitoring Requirements

1. BMP monitoring reports must include a table with dates of all major construction activities which take place on the site (Groundbreaking, clearing, grading, sediment control construction, sediment control maintenance, BMP conversion, pond maintenance, etc.). BMP monitoring reports must include a table with dates of all major construction activities which take place on the site (groundbreaking, clearing, grading, sediment control construction, sediment control maintenance, BMP conversion, pond maintenance, etc.) and adhere to the SPA BMP monitoring report structure:
<http://www.montgomerycountymd.gov/deptmpl.asp?url=/content/dep/SPA/home.asp#checklist>.

2. Items 2 through 9 in the attachment letter to SM#207133 remain as written.

3. TSS (table 1) sample locations will be established at the largest sediment pond located on the active portions of the site during construction. This monitoring will require the collection of automated flow-weighted storm composite samples at the inflow and outflow points of each structure. All inflow points must be accounted for and sampled. Exact sampling locations will be determined by DEP and DPS in the field to allow evaluation of the effectiveness of redundant sediment traps. Sampling is to be done during storm events throughout the construction phase.

Frequency of sampling is to be quarterly (i.e. one storm sample per quarter). Storms should have at least one half inch of rainfall in a 24 hour period to be counted towards this requirement. The storms during which the data was collected should be characterized for duration and total rainfall. Storm frequency (return interval) should be reported as described in Technical Paper #40 of USDOC Weather Bureau. Results should be examined to determine the efficiency of the structure and percent removal of pollutants. Data should be compared to past periods and published results for similar structures. Graphs should be provided to support conclusions.

4. Pollutant removal efficiency will be determined for up to two (2) individual SWM structures. Bayfilters will be the technology monitored in this portion of the Cabin Branch Development. Monitoring will require the collection of automated flow-weighted storm composite samples at the inflow and outflow points of each structure. Useable storm samples (i.e. meets qualifying event guidelines, has positive and reasonable flow values and calculated pollutant loadings, etc.) must be collected from all sampling locations to be counted towards meeting the requirement.

Samples should be analyzed for the parameters in table 1. All structures are to be monitored quarterly. Analysis will evaluate effects of differing site designs, whether pollutant removal efficiency changes over time, and compare removal efficiencies with published results. Drainage area, percent imperviousness, percent and total area of road

surface, amount of open section or closed section roadways are to be reported and considered in the analysis.

5. Locations of all monitoring stations are to be provided to DEP within one week of station establishment. GIS locations are preferred, but a map with the approximate locations marked will be acceptable for the initial submission. GIS data will need to be included as part of the data submission with the annual report. DEP will create an ArcMap layer showing locations of all monitoring stations in the Cabin Branch watershed.

Table 1. Pollutant parameters, lab methods and detection limits

Parameter	Method	Detection Limit
Nitrate	EPA 353.2	0.05 mg/L as N
Nitrite	EPA 354.1	0.02 mg/L as N
TKN	EPA 351.3	0.2 mg/L as N
Orthophosphorus	EPA 365.3	0.01 mg/L
Total Phosphorus	EPA 365.3	0.05 mg/L
Total Suspended Solids	EPA 160.2	1.0 mg/L
Total Cadmium	EPA 213.2	0.6 µg/L
Total Copper	EPA 220.2	1.2 µg/L
Total Lead	EPA 239.2	0.4 µg/L
Total Zinc	EPA 289.2	3.4 µg/L
BOD	EPA 405.1	2
COD	EPA 410.4	n/a

Durations for item 2 remains as written in the attachment letter to SM#207133. Item 3 will begin once sediment control structures are in place and terminate when the entire site has been converted to post-construction stormwater management. Item 4 will commence following as-built approval and issuance of a post-construction stream monitoring bond. Post-construction monitoring duration is five years.

An annual report on BMP monitoring is due to DEP by **October 31** of each year. Additionally, quarterly progress reports are to be submitted. These reports are to document the status of the ongoing monitoring, identify any problems, and assure monitoring is on schedule. BMP monitoring reports are to be delivered with data in an electronic format DEP and DPS. All information submitted to DEP will be public information that DEP may freely copy and distribute.

Questions on the monitoring requirements and procedures may be directed to the following personnel:

Rachel Gauza (DEP)
 (240) 777-7729
rachel.gauza@montgomerycountymd.gov

Leo Galanko (DPS)
 (240) 777-6242
leo.galanko@montgomerycountymd.gov