



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

**MCPB**  
**Item #6**  
**3/3/11**



**MEMORANDUM**

**DATE:** February 21, 2011

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Team 1 Chief *RK*  
Catherine Conlon, Development Applicants and Regulatory Coordination *CC*

**FROM:** Patrick Butler, (301-495-4561) *PB*  
Team 2 Planner

**REVIEW TYPE:** Preliminary Plan of Subdivision and Final Water Quality Plan

**APPLYING FOR:** One lot to construct a 13,000 square foot child daycare center, and a 7,500 square foot annex to house an after-school program.

**PROJECT NAME:** Goddard School – Clarksburg

**CASE #:** 120110020

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** R-200

**LOCATION:** On the south side of Frederick Road (MD 355) approximately 1300 feet northwest of the intersection with Old Baltimore Road.

**MASTER PLAN:** Clarksburg

**APPLICANT:** Darnestown Development, LLC

**ENGINEER:** Macris, Hendricks & Glascock, PA

**FILING DATE:** September 1, 2010

**HEARING DATE:** March 3, 2011

**RECOMMENDATION:** Approval subject to the following conditions:

- 1) Development allowed by this preliminary plan is limited to a daycare facility for a maximum of 163 daycare children and 120 students for the after school program.
- 2) Prior to release of building permits for the proposed development, the Applicant must construct, with approval from the Maryland State Highway Administration (MDSHA), capacity improvements at the MD 355 intersection with West Old Baltimore Road. Capacity improvements include the construction of a southbound right-turn lane, an eastbound right-turn lane, and a northbound left-turn lane at the intersection of MD 355 and West Old Baltimore Road to satisfy the requirements of Local Area Transportation Review (LATR). The Applicant may arrange for other funding sources, including participation from applicants of other development projects to fulfill this condition.
- 3) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan prior to recording of a plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit, as applicable.
- 4) The Applicant must obtain staff approval of the final forest conservation plan in accordance with Forest Conservation Regulations, Section 109-B prior to any land clearing activities.
- 5) Impervious surface is limited to no more than 1.40 acres as shown on the Impervious Area Exhibit Plan dated December 17, 2010.
- 6) The record plat must reflect creation of a Category I conservation easement over all forest conservation buffer areas as shown on the preliminary plan.
- 7) Applicant to record a Category I Forest Conservation Easement(s) over all areas of retained and planted forest prior to any land clearing activities occurring on-site.
- 8) Applicant to install the required reforestation material by the first planting season following the release of the first grading permit.
- 9) Applicant to install the required landscape planting material being used for reforestation credit by first growing season following building completion.
- 10) Applicant to remove all existing structures, fencing, play equipment and debris from the proposed Category I Forest Conservation Easements.
- 11) The Applicant must comply with the conditions of the MCDPS stormwater management concept and final water quality plan approval dated January 20, 2011. These conditions may be amended by MCDPS, as long as the amendments do not conflict with other conditions of the preliminary plan approval.
- 12) The record plat must provide for dedication along the entire property frontage on Frederick Road (MD 355) of 60 feet from centerline for a total of 120 feet from the opposite right-of-way line as indicated on the preliminary plan.
- 13) The Applicant must comply with the Maryland State Highway Administration (MDSHA) letter dated November 23, 2010. These conditions may be amended by MDSHA, as long as the amendments do not conflict with other conditions of the preliminary plan approval.
- 14) The Applicant must satisfy provisions for access and improvements as required by the Maryland State Highway Administration (SHA) prior to issuance of an access permit.

- 15) The certified Preliminary Plan must contain the following note: “The building footprints shown on the Preliminary Plan are illustrative. Final building locations and associated parking facilities will be determined at site plan. Please refer to the zoning data table for development standards such as setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
- 16) The record plat must show other necessary easements.
- 17) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

## **BACKGROUND**

The Subject Property, as shown below and in Attachment A, consists of approximately 5.00 acres in the R-200 zone. The Property consists of Lots 9 and 10, Block A, of the Musgrove’s Addition to Neelsville, which is located on the south side of Frederick Road (MD 355) approximately 1300 feet northwest of its intersection with Old Baltimore Road in the Clarksburg Master Plan Area.

This proposed child daycare facility in Clarksburg would be part of The Goddard School, an established private pre-school, after-school and early childhood daycare and educational organization with existing locations in Maryland including two child daycare centers, one in the King Farm development and one in Columbia.

Goddard School facilities offer a wide range of educational and childhood development programs for children from infant and toddlers through preschool, kindergarten, and post kindergarten. The proposed child daycare facility is planned for a maximum of 163 pre-school daycare children and 120 school aged children for after-school and summer camp programs. The maximum total enrollment on site at any one time would be 283.

The School has sought a site in Clarksburg for over six years and has judged the subject site as the best of those previously considered and well suited for the planned facility. Members of the community and the Clarksburg Citizens Association have followed The Goddard School’s interest in locating a child daycare facility in the community.

## **SITE DESCRIPTION (Attachment A – Vicinity Map)**

The lots are currently vacant. The land south of Frederick Road and to the west of the Subject Property is zoned R-200/TDR, while the land on the north side of Frederick Road is zoned R-200. The Subject Property and the land immediately to the south of the Subject Property are also zoned R-200. The surrounding area can be described as residential, with one-family detached dwelling units.

The topography is for the most part relatively shallow, with the high point located in the eastern corner of the site, including a small ridge running east to west from that point. The site slopes at

approximately 8% to 9% slope from the ridge to both the northern and southern corners of the site. The Subject Property is located within the Clarksburg Special Protection Area (SPA) and lies within the Upper Little Seneca Creek sub-watershed. The Property has approximately 68 specimen trees onsite, and there are approximately 4.21 acres of forest on site. There are no steep slopes, streams, wetlands, erodible soils, or other known environmentally sensitive features onsite.



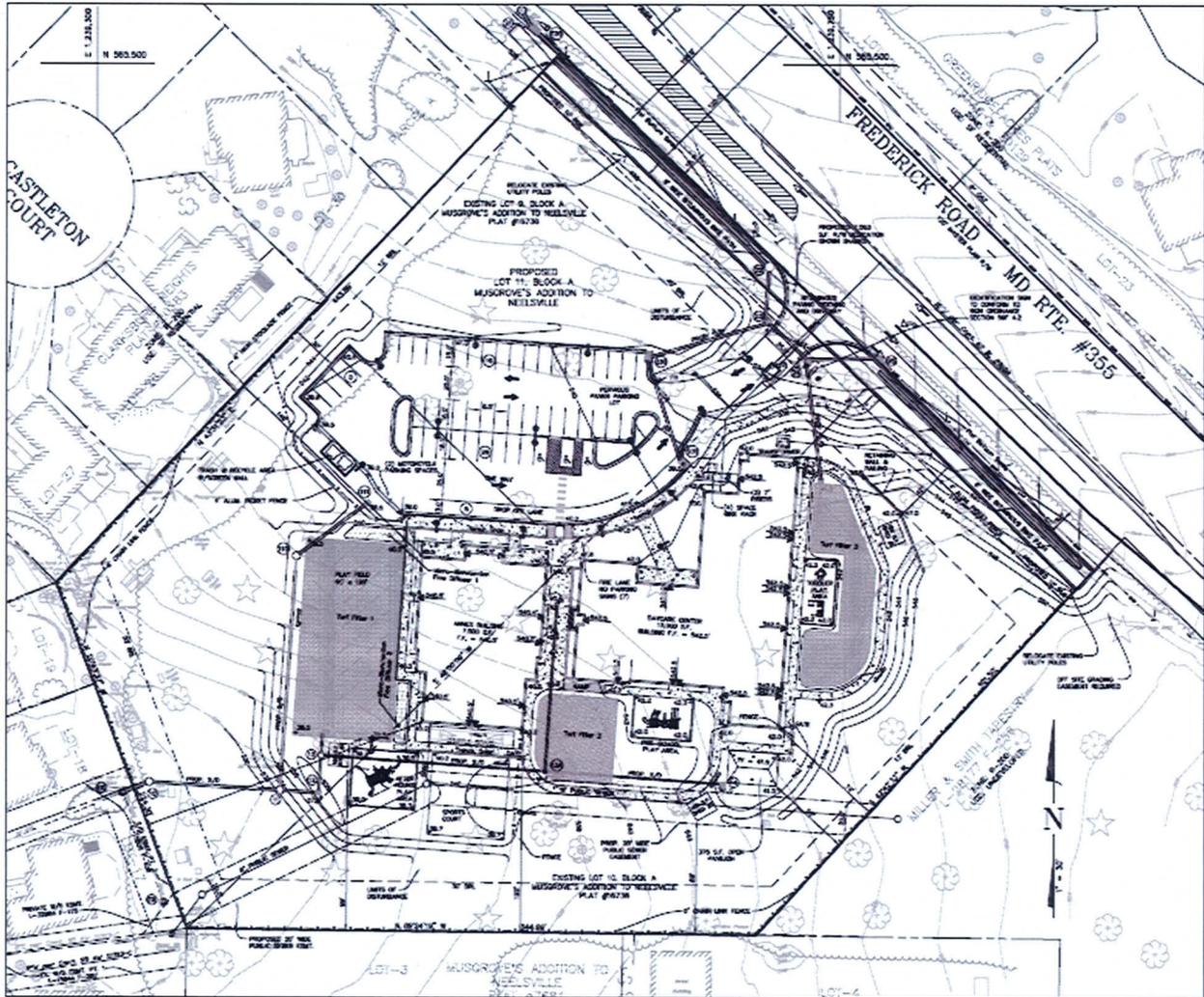
*Subject Property and Vicinity*

### **PROJECT DESCRIPTION (Attachment B – Proposed Plan)**

This Preliminary Plan has been filed subsequent to the approval of Special Exception Case number S-2759 by the Montgomery County Board of Appeals for a child daycare. S-2759 was heard by the Planning Board on June 10, 2010, along with the associated Preliminary Water Quality Plan and Preliminary Forest Conservation Plan. The preliminary forest conservation plan and preliminary water quality plan were approved with conditions and the Planning Board resolutions were mailed on October 18, 2010. S-2759 was approved by the Montgomery County Board of Appeals on November 22, 2010. The Preliminary Plan includes a revision to the preliminary forest conservation plan and the final water quality plan.

The applicant proposes to consolidate two recorded lots and create one lot for a child daycare center. The daycare center is approximately 20,500 square feet divided between two structures, which will be connected by a “breezeway.” Total enrollment is limited by the Special Exception to 163 daycare children and 120 students for the after school program. One structure will house day care children (infants and toddlers), while the “Annex” structure will house the after school

program (kindergarteners thru 6<sup>th</sup> graders). The two lots are a combined total of 5.0 acres in size, and the proposed lot will be served by public water and public sewer systems.



*Proposed Preliminary Plan*

## ANALYSIS AND FINDINGS

### Conformance to the Master Plan

This site is located within the 860 acre “Brink Road Transition Area” of the 1994 Clarksburg Master Plan, which is in the southeast corner of the Master Plan Area. Most of the land has been developed or is committed to development. There are no specific recommendations for this site; however, the Master Plan’s general land use provisions applicable to the overall “Brink Road Transition Area,” emphasize the planned character of the area.

The Planning Board considered the general plan objectives of the Brink Road Transition Area before recommending approval of the special exception application for this site. The findings from that analysis are summarized below:

1. Create a transition from Germantown to Clarksburg that helps reinforce each community's identity (page 75).
  - a. This plan proposes the entry to Clarksburg to be characterized by low-density development and be supportive of the existing residential land use pattern along MD 355.

The physical and functional characteristics of the use at the proposed site will fit the immediate neighborhood and this designated low density transition area. The forest conservation plan helps demonstrate the Applicant's intent to maintain the existing forest onsite, which will provide a wooded buffer that nearly surrounds the proposed development and follows the perimeter of the property line boundaries. These wooded and landscaped areas, together with the proposed six-foot stockade fence at the parking lot will provide significant screening of the facility and parking on this site, which will limit the impact on the surrounding residential land use pattern along MD 355.

2. Continue the residential character of MD 355 (page 75).
  - a. MD 355 is a major highway and will be six lanes in Germantown. A key land use concern is that MD 355 as it traverses this portion of Clarksburg should be of a scale and character which supports the continuation of the traditional land use pattern in this area: residential uses fronting the road. The Master Plan anticipates the widening of MD 355 in this area to four lanes but endorses a cross-section design that will allow historical land use patterns to continue.

The perceived massing and vertical profile of the building will be mitigated by aspects of its design including:

1. The configuration of the facility and its central location on the site;
2. The resulting setbacks of the building from the property lines, adjacent houses, and the MD 355 frontage;
3. Sensitive site placement of the building with only one corner relatively near the MD 355 frontage. The wooded southeastern MD 355 frontage and planned forest conservation area on the adjacent Tapestry site will provide a well screened view of the facility from northbound vehicles; and
4. The segmented building plan, limited to one floor plus the roof, together with the sloped roof lines, the understated cupolas and gable end features, will be architecturally compatible with the roof lines of the adjacent houses.

Based on the design aspects listed above, the proposed structure maintains the rural residential character of MD 355.

3. Reinforce the North Germantown greenbelt concept (page 76).
  - a. The open space pattern in this area is created by stream valley buffers and parks. Pedestrian connections to the Little Seneca Creek Greenway will be encouraged as development proceeds.

The proposed plan provides for the extension of the established pedestrian and bicycle linkage that ultimately connect to the North Germantown Special Park so current and future residents of Clarksburg have access to outdoor experiences.

In the Public Facilities section, Chapter Seven of the Master Plan, the Plan recognizes that demand for certain social services will increase as development occurs in Clarksburg and Hyattstown. Specifically, the plan states, “As the Clarksburg Master Plan Area and Hyattstown Special Study Area grow, the demand on social services, including child day care, will increase (page 166).” This recommendation is accompanied by “Table 15 (page 167)” in the Master Plan, which outlines location criteria to be considered for certain facilities. Child daycare is one of the facilities identified, and the Plan recommends that child daycares be, “dispersed throughout the Study Area with concentrations near transit, employment areas, and concentrations of housing.”

Staff and the Board supported the special exception because the Master Plan recommends approximately 15,000 residential units for the build out of Clarksburg, and the community has expressed concern to Vision Staff that there is a lack of child daycare facilities in the Clarksburg area. The proposed facility will have excellent vehicular and bicycle access with frontage along Frederick Road (MD 355). The Subject Property is also in close proximity to employment areas along I-270 to the south, and is centrally located to concentrations of housing.

The Preliminary Plan is consistent with the approved special exception, and therefore, for the reasons listed above, staff finds the Preliminary Plan is in substantial conformance with the Clarksburg Master Plan and Hyattstown Special Study Area.

## **Public Facilities**

### **Local Area Transportation Review (LATR)**

Two intersections were identified as critical intersections affected by the proposed child daycare facility and were examined in the traffic study to determine whether they meet the applicable congestion standard for this area. The congestion standard in the Clarksburg Policy Area is 1,425 Critical Lane Volume (CLV). The result of the CLV analysis is summarized in Table 1.

**Table 1: Calculated Critical Lane Volume Values at Studied Intersections**

Intersection	Weekday Peak Hour	Traffic Condition			
		Existing	Background	Total*	Total **
Frederick Road (MD 355) & Little Seneca Parkway	Morning	1,224	1,431	1,445	1,445
	Evening	1,017	1,329	1,347	1,347
Frederick Road (MD 355) & W. Old Baltimore Road	Morning	1,385	1,592	1,661	1,471
	Evening	1,404	1,716	1,780	1,512

\*Total development conditions without proposed intersection improvements

\*\* Total development conditions with proposed intersection improvements

As shown in the above table, all intersections are currently operating at an acceptable CLV level of 1,425 or lower. Under the background development (the existing traffic plus traffic from the approved/unbuilt developments), the MD 355/W. Old Baltimore Road intersection is projected to operate at unacceptable CLV levels during both the weekday AM and PM peak hours. Under the total future development (background traffic, traffic from the proposed development, and including the proposed intersection improvements) the MD 355/W. Old Baltimore Road intersection would operate at an unacceptable level of service. Because the background traffic conditions are also unacceptable, the applicant must provide improvements that mitigate a number of trips equal to 150 percent of the CLV impact attributable to the development during both the weekday AM and PM peak hours. In order to mitigate the unacceptable CLV levels, the Applicant must construct,, with approval from the Maryland State Highway Administration (MDSHA), required frontage and access improvements along Frederick Road (MD 355), as well as capacity improvements at the MD 355 intersection with West Old Baltimore Road. Capacity improvements include the construction of a southbound right-turn lane, an eastbound right-turn lane, and a northbound left-turn lane at the intersection of MD 355 and West Old Baltimore Road to satisfy the requirements of Local Area Transportation Review (LATR). With the recommended conditions for these improvements, this Preliminary Plan application meets the LATR requirements of the Adequate Public Facilities (APF) review.

Staff wishes to note that the applicant has expressed concern about the above requirement, captured in Condition 2 of this report, that they be required to construct the necessary improvements at MD 355/W. Old Baltimore Road. They point out that the unacceptable conditions are due to several approved or pending developments in the area, that their use is generating only 20% of these trips, and that, as a daycare provider, they have neither the means nor expertise to undertake these improvements. While staff understands their concerns and recognizes that this requirement could prevent a much needed day care facility from moving forward, the policy of the Board is clear. The Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) Guidelines dated July, 2010 state the following (p. 19):

When development is conditioned upon improvements by more than one application, those improvements must be permitted and bonded, under construction, or under

contract for construction prior to the issuance of building permits for any new development. Construction of an improvement by an applicant does not relieve other applicants who have been conditioned to make the same improvement of their responsibility to participate in the cost of that improvement. The final percentage of the construction cost contribution is determined by the participating applicants.

The applicant projected that the cost of construction would be in the range of \$360,000 and offered to put their projected pro-rata share (\$72,000) in escrow. However, staff could not agree to this offer without a corresponding commitment from another agent prepared and authorized to construct the improvements in a timely manner and accept the suggested pro-rata share from the Applicant.

#### Policy Area Mobility Review (PAMR)

Staff has determined the application is not subject to PAMR, because it is located in the Clarksburg Policy Area where the PAMR mitigation is currently required.

#### Site Access and Vehicular/Pedestrian Circulation

Frederick Road (MD 355) is a major highway, requiring 120 feet of right-of-way. The applicant must dedicate approximately 7,093SF of property (sixty feet from centerline) to create a 120-foot-wide right-of-way along the property frontage of Frederick Road. The Applicant proposes to construct a 25-foot-wide private driveway from Frederick Road to access the proposed parking lot for the school for vehicular access. The Applicant will construct an 8-foot-wide bituminous bike path along the entire property frontage as shown on the preliminary plan, and the Applicant is proposing to construct a 5-foot-wide sidewalk from Frederick Road to provide pedestrian access throughout the Subject Property. The vehicular and pedestrian access proposed by the Applicant are consistent with the requirements of the code, therefore, the proposed vehicular access for the subdivision will be safe and adequate.

#### Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. Electrical and telecommunications services are also available to serve the Property.

#### Parking Waiver

The Applicant was required to provide 89 parking spaces per the Montgomery County Zoning Ordinance. The Planning Board previously heard the Applicant's request for a parking waiver of 29 spaces and recommended approval of the parking waiver to the Board of Appeals. The Board of Appeals considered and approved the Applicant's request for a waiver of 29 parking spaces as

part of S-2759. Staff supported the waiver based on documentation and testimony provided by the Applicant. The Applicant believes a parking waiver is justified since approximately 30% of the clientele pick-up and drop-off more than one child per visit, and there are staggered drop-off and pick-up times throughout the day, which is not typical of a standard school setting. According to the Applicant's representative, Mr. Ross Flax, 60 parking spaces will be sufficient for this school. Having run two other schools for a combined 21 years, he believes there will not be a need for overflow parking. However, a Transportation Management Plan (TMP) was agreed upon and conditioned as part of the Special Exception approval from the Board of Appeals, and the TMP states that if any event does generate more attendees than the parking available on site would allow, arrangements will be made by the transportation coordinator to direct attendees to satellite parking. According to the TMP, the Applicant intends to use off-site satellite parking at churches and schools when needed for special events. In addition, the site is in the Clarksburg Special Protection Area (SPA), therefore excess parking and imperviousness should be avoided when possible.

## **Environment**

### **Environmental Guidelines**

An NRI/FSD was approved in August, 2009 as part of the previous Special Exception S-2759. Except for forest, there are no environmentally sensitive features, such as streams, wetlands, floodplains and their associated buffers on the Subject Property and therefore special protection measures are not necessary.

### **Forest Conservation**

The Planning Board previously approved a preliminary forest conservation plan, with conditions, with Special Exception S-2759. Planning Board resolution 10-80 was mailed on October 18, 2010. Since the approval of that forest conservation plan the applicant realized, that as part of the purchase agreement, they were required to provide a sewer connection serving the adjacent and unbuilt property. The sewer connection would have initially removed all forest on the south side of the property. The revised preliminary forest conservation plan shows only 0.01 acres of new forest removal because of the applicant's creativity in minimizing forest loss. Moving the majority of the sewer line outside the proposed easement area and saving more forest along MD 355 almost completely offsets the additional forest clearing that was required to make the sewer connection to the adjoining property. The applicant will still meet all forest conservation requirements onsite.

The property contains 4.24-acres of existing forest. The on-site forest consists of overstory hardwoods including Black Oak (*Quercus velutina*), White Oak (*Quercus alba*) and Red Oak (*Quercus rubra*) with a mix of Tulip Tree (*Liriodendron tulipifera*) and Pignut Hickory (*Carya glabra*). The understory trees consist of Red Maple (*Acer rubrum*) and some Black Gum (*Nyssa sylvatica*). There are also two rare, threatened and endangered species of American Chestnut (*Castanea dentata*) located on the property. The applicant is proposing to hand remove the American Chestnuts and donate them to the American Chestnut Society.

There are sixty-eight (68) trees 24" DBH or greater in size identified on the NRI/FSD with

twenty-three (23) of these trees 30” DBH or greater. These trees are about evenly scattered throughout the site. Fifty-four (54) of these trees (sixteen (16) of which are 30” DBH and greater) lie within the limits of disturbance (LOD) of the project and are proposed to be removed. The revised preliminary forest conservation plan indicates the removal of 3.04 acres of forest and the preservation of 1.20 acres of forest which generates a reforestation requirement of 0.62 acres. This requirement shall be met onsite with 0.56 acres of on-site forest planting and 0.06 acres of landscape credit.

#### Forest Conservation Variance

The Planning Board approved a tree variance with the initial preliminary forest conservation plan associated with S-2759. There is no additional impact to trees greater than 30 inches and diameter and a revised variance was not necessary with the revised preliminary forest conservation plan.

#### Preliminary/Final Water Quality Plan Approval

The applicant has submitted a final water quality plan for review by both Montgomery County Department of Permitting Services (DPS) and M-NCPPC. As part of the requirements of the Special Protection Area (SPA) law, a SPA Water Quality Plan must be reviewed in conjunction with a preliminary plan<sup>1</sup>. Under the provision of the law, DPS and the Planning Board have different responsibilities in the review of a water quality plan. DPS has reviewed and conditionally approved the elements of the final water quality plan under its purview. The Planning Board’s responsibility is to determine if environmental buffer protection, site imperviousness minimization goals and SPA forest conservation and planting requirements have been satisfied. The Planning Board previously approved a preliminary water quality plan, with conditions, with Special Exception S-2759. Planning Board resolution 10-79 was mailed on October 18, 2010. Environmental Planning Staff has reviewed the submitted final water quality plan and recommends Planning Board approval. Below is a brief discussion for the elements under the Planning Board’s review.

#### *Site Imperviousness*

There is no overlay zone or master plan recommendation that sets an impervious cap for developments in this portion of the Clarksburg Special Protection Area. However, Section 19-63(a)(4) of the County SPA Law requires a plan to minimize impervious area for a proposed project.

Planning Board Resolution 10-79 indicated that “no more than 1.40 acres” of impervious surfaces could be installed onsite. The applicant’s final water quality plan is consistent for it shows less than 1.40 acres of impervious surfaces on site.

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<sup>1</sup> Section 19-62 (b) of the Montgomery County Code states that “...the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing land disturbing activity on privately owned property: (1) who is required by law to obtain approval of a ...preliminary plan of subdivision....”

### *Forest Conservation*

Parts of the existing forest have been protected, and reforestation/landscaping will be planted on the site to meet all forest conservation requirements onsite.

### *Expanded and Accelerated Forest Conservation*

Parts of the existing forest have been protected, and reforestation/landscaping will be planted on the site to meet all forest conservation requirements onsite. Reforestation areas will be protected by an onsite Category I conservation easement. Expanded and accelerated forest conservation is required per the Environmental Guidelines for SPAs, and is reflected in the recommended conditions.

For the reasons discussed above and as conditioned by this staff report, the proposed development satisfies the requirements and meets the intents of the Environmental Guidelines, Forest Conservation Law, and the Final Water Quality Plan.

### Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept and final water quality plan for the project on January 20, 2011. The stormwater management concept consists of on-site water quality control and onsite recharge via a combination of biofilter flow diffusers, turf filters, porous pavement, and bioswales. Each turf filter will be designed with an infiltration reservoir below the organic and sand filter that will be sized for full treatment thereby providing redundancy for water quality.

### **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed size, width, shape and orientation of the lot is appropriate for the location of the subdivision. The lot was reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The proposed lot will meet the dimensional requirements for area, frontage, width, and setbacks in that zone (See Table 1 below). The application has been reviewed by other applicable county agencies (Attachment C – Agency Correspondence), all of whom have recommended approval of the plan.

### **Citizen Correspondence and Issues**

As of the date of this report, one letter was received from a citizen objecting to the proposed development on September 27, 2010. The specific concerns were in regard to master plan conformance, adverse impacts from increased traffic during peak hours, and adverse environmental impacts from the proposed development.

Staff feels the Applicant has designed the proposed development in a way that is sensitive to the rural residential character of the surrounding area, and meets the general goals identified in the

Master Plan. Staff agrees the proposed use is expected to impact traffic and roads in the nearby neighborhood. As result, the Applicant is required to provide certain capacity improvements to impacted intersections, as well as provide improvements along the frontage of MD 355. Lastly, staff feels the Applicant has reduced imperviousness as much as possible, maintained as much of the existing forest as possible and including additional planting on the site, while balancing the need to maintain the residential character of the surrounding area.

On March 29, 2010 a pre-submission meeting was held, as required, and on September 3, 2010 the applicant properly notified adjacent and confronting property owners and civic associations of the preliminary plan submission. The application information was properly posted on the Property.

## **CONCLUSION**

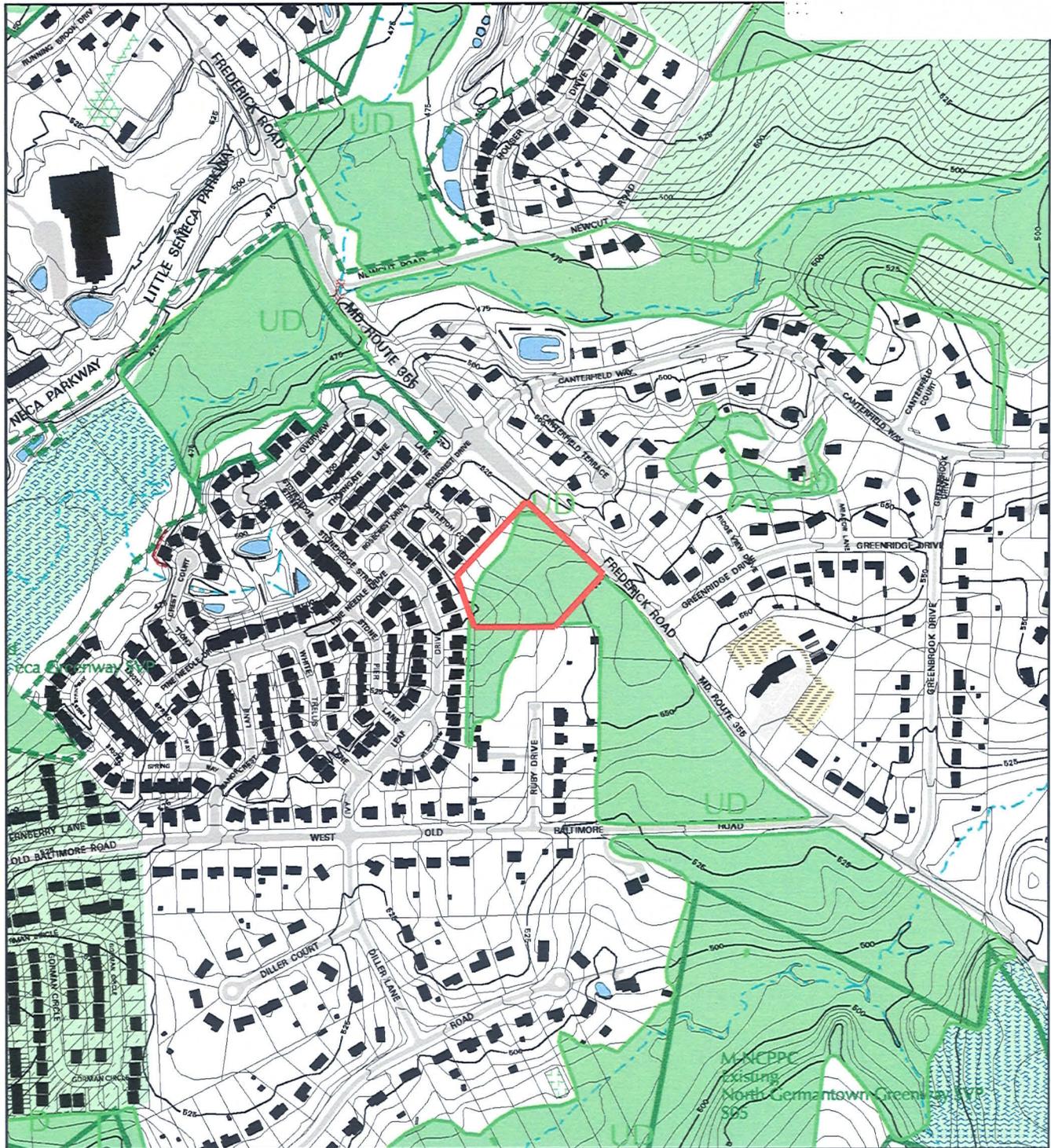
The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance, and the application substantially conforms with the recommendations of the Clarksburg Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, staff recommends approval of the application with the conditions specified above.

## **Attachments**

- Attachment A – Vicinity Map
- Attachment B – Proposed Plan
- Attachment C – Agency Correspondence
- Attachment D – Citizen Correspondence

# GODDARD SCHOOL-CLARKSBURG (120110020)

Attachment A



Map compiled on September 21, 2010 at 7:09 PM | Site located on base sheet no - 230NW12

**NOTICE**

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

*Attachments ①*





Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

State Highway  
Administration

Beverley K. Swain-Staley, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

November 23, 2010

Re: Montgomery County  
MD 355  
Goddard School Clarksburg

Mr. Shahriar Etemadi  
Transportation Coordinator  
M-NCPPC  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Dear Mr. Etemadi:

Thank you for the opportunity to review the Traffic Impact Study Report by Street Traffic Studies (STS), Ltd. dated June 2010 (received by the EAPD on October 15, 2010) that was prepared for the proposed Goddard School Clarksburg development in Montgomery County, Maryland. The major report findings and the Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the 41-Employee Day Care Facility is proposed from one (1) full movement site access driveway on MD 355. SHA will require an exclusive northbound MD 355 left turn lane and an exclusive southbound MD 355 right turn lane at the MD 355 at Site Access Drive intersection.
- The traffic report determined that the proposed development would negatively impact the MD 355 at Little Seneca Parkway and MD 355 at West Old Baltimore Road intersections. Therefore, the following improvements were proposed in the report:
  - MD 355 at Little Seneca Parkway – Modify southbound MD 355 approach from the existing 1 through lane and 1 right turn lane – to- 1 through lane and 1 through/right lane.
  - MD 355 at West Old Baltimore Road – Construct exclusive northbound MD 355 left turn lane. Construct exclusive

My telephone number/toll-free number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

Received Time Nov. 30. 1:45PM

Mr. Shahriar Etemadi  
Page 2 of 2

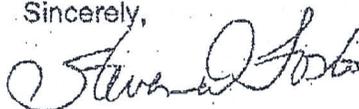
southbound MD 355 right turn lane. Construct exclusive eastbound West Old Baltimore Road right turn lane.

- In order to satisfy the Policy Area Mobility Review (PAMR) requirements, the applicant has proposed to construct a 1,400 foot sidewalk section that will extend an existing bike path along MD 355 south towards West Old Baltimore Road.

In conclusion, SHA concurs with the report findings. Therefore, SHA recommends that the M-NCPPC condition the applicant to design and construct the improvements described above. Roadway improvement plans and traffic signal modification plans should be submitted to SHA for our review and comment.

Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application. If there are any questions on any issue requiring a permit from SHA on this application, please contact Corren Giles at (410) 545-5595 or [cgiles@sha.state.md.us](mailto:cgiles@sha.state.md.us). If you have any questions or comments regarding the enclosed traffic report comments, please contact Larry Green at (410) 995-0090 x20.

Sincerely,



Steven D. Foster, Chief  
Access Management Division

cc: Mr. Bob French, SHA Office of Traffic & Safety  
Ms. Corren Giles, SHA EAPD  
Mr. Larry Green, Daniel Consultants, Inc.  
Mr. Ken Harn, SHA Office of Traffic & Safety  
Mr. Ki Kim, M-NCPPC Montgomery County  
Mr. Cedric Ward, SHA District 3 Office  
Mr. Carl Starkey, STS, Ltd.  
Mr. Errol Stoute, SHA Traffic Development & Support Division  
Mr. Morteza Tadayon, SHA Travel Forecasting Section

Received Time Nov. 30. 1:45PM

4



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid  
Director

January 20, 2011

Mr. Pearce Wroe  
Macris Hendricks and Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, Maryland 20886

Re: **Final Water Quality Plan for Goddard  
School**  
SM File #: 236787  
Tract Size/Zone: 5.0 acres/Day Care  
Watershed: Little Seneca Creek

**SPECIAL PROTECTION AREA**

Dear Mr. Wroe:

Based on a review by the Department of Permitting Services, the Final Water Quality Plan (FWQP) 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 proposal is to provide a day care and after school care facility on a 5 acre property located on MD Route 355. This is located within the portion of the Little Seneca Creek watershed which is in the Clarksburg Special Protection Area.

**Stormwater Management:** Stormwater management and recharge will be provided on-site via a combination of biofilter flow diffusers, turf filters, porous pavement, and bioswales. Each turf filter will be designed with an infiltration reservoir below the organic and sand filter that will be sized for full treatment thereby providing redundancy for water quality.

**Sediment Control:** Redundant sediment controls are to be used throughout the site. The use of sediment traps with forebays that provide 125% of the normally required storage volume is acceptable for larger disturbed areas. 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 still apply. The performance goals are as follows:

1. Minimize storm flow run off increases.
2. Minimize sediment loading.

Pearce Wroe

January 20, 2011

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3. Minimize nutrient loading.
4. 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 monitoring requirements are described in the "Attachment to the Final Water Quality Plan" memorandum by DEP and included with this Final Water Quality Plan approval letter.

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. **One year of pre-construction monitoring must be completed prior to the issuance of a sediment control permit.**

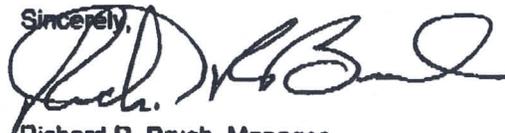
**Conditions of Approval:** The following are additional conditions which must be addressed in the submission of the Final Water Quality Plan. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

1. Provide documentation that SHA will allow the proposed bioswale and the storm drain connection in the MD Route 355 right-of-way.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.

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 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:img:CN236787

cc: C. Conlon (MNCPPC-DR)  
M. Pfefferle (MNCPPC-ED)  
R. Gauza (MCDEP)  
L. Galanko  
SM File # 236787

Qn: on-site 5.0 ac  
Ql: on-site 5.0 ac  
Recharge Provided



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## FIRE MARSHAL COMMENTS

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**DATE:** 17-Nov-10  
**TO:** Mike Plitt  
Macris, Hendricks & Glascock  
**FROM:** Marie LaBaw  
**RE:** Goddard School - Clarksburg (Musgrove's Addition to Neelsville)  
20110020

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### PLAN APPROVED

1. Review based only upon information contained on the plan submitted 03-Nov-10. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Put

Attachment D

SEP 27 2010  
RECEIVED

12209 Canterfield Terrace.  
Germantown, MD, 20876.

21<sup>st</sup> September, 2010.

Tel (Home): 301-515-5341  
(Work): 301-428-1632

Dear Lead Reviewer,

In regard to planning application Goddard School Clarksburg, made by Darnestown Development LLC, (M-NCPPC Reference No. 120110020) we wish to submit the following comments objecting to the proposed development.

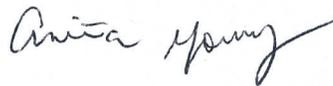
- 1) The development does not support the goals of the master plan for a residential neighborhood.
  - a. The intention of the Route 355 corridor from Ridge road to the Montgomery county line was for a rural country road with residential homes facing the road. Approving commercial development on a site originally zoned for residential use is not in keeping with the appearance of the surrounding communities.
  - b. The size of the proposed day care facility is not in keeping with the size of surrounding residences and lots.
  - c. The existing road infrastructure is not equipped to deal with the increase in traffic.
  
- 2) The development plan does not adequately consider the adverse impact of increased traffic during peak commuting periods on the immediate neighborhood.
  - a. The developments along West Old Baltimore Road have already crippled the north bound traffic flow to Hurley Ridge and Greenridge Estates. Traffic is backed up from West Old Baltimore Road to Ridge Road nearly every day, and sometimes gridlocked back to Middlebrook Road in rainy weather. You can also see that from police traffic reports that the left turn from Route 355 North Bound to West Old Baltimore Road has been the scene of scores of serious accidents and many more near misses in the past few years. Adding another left turn into this facility not 100 yards from this accident blackspot is surely going to create another accident zone involving vehicles with small children. Do you want the likely deaths of small children on your conscience?
  - b. Many vehicles already use Greenridge Estates as a high speed "cut through". Opening this facility is sure to add to that problem during rush hours as parents from Route 27 use Greenridge Estates as a cut-through to avoid the congestion at Route 355 and Father Hurley Blvd intersection.

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- c. It is already difficult and dangerous for vehicles exiting Greenridge Estates to safely turn South onto Route 355. The speed limit on this section of road is 50mph. On quiet mornings, vehicles are frequently exceeding 65mph. On busy mornings when Route 355 South carries bail-out traffic from I-270, the traffic is bumper to bumper. Having an increased traffic volume entering and leaving this facility during peak hours will at best create a major inconvenience for residents of Greenridge Estates and Hurley Ridge and at worst present significant dangers when exiting our communities.
- 3) The plan does not make adequate provisions to lessen the environmental impact for such a major development.
- a. The previous residential development plan for this property included provisions for extensive landscaping that would make the community fit in with its neighbors. The current plan seems to specify barren open space with a bare minimum number of trees to shield the development from the street.
  - b. The use of a chain link fence surrounding this development is not in keeping with the architectural covenants of the surrounding communities which prohibit this type of fencing.
  - c. The increased pollution from this facility from slow moving traffic will adversely impact the quality of life for all of the surrounding residents.

It is for the above reasons that we respectfully request you reject this planning application.

Yours faithfully,



Timothy J. Young.

Anita M. Young

**THE PLANNING BOARD FOR MONTGOMERY COUNTY**

**GODDARD SCHOOL, CLARKSBURG**

PRELIMINARY PLAN NO. 120110020

**PRELIMINARY PLAN JUSTIFICATION STATEMENT**

Darnestown Development, LLC t/a Goddard School (the “Goddard” or “Applicant”), by its attorneys, Linowes and Blocher LLP, hereby submits this Preliminary Plan Justification Statement in Support of its Preliminary Plan of Subdivision Application for Child Day Care Special Exception S-2759 (the “Special Exception”) and to demonstrate conformance of the proposed development with all applicable review requirements and criteria. The property which is the subject of the Special Exception consists of 2 recorded lots located in the R-200 (Residential, One-Family) Zone as described in Section 59-C-1 of the Montgomery County Zoning Ordinance 1994 (as amended) (the “Zoning Ordinance”). The Property is known as Lots 9 and 10, Block A in the “Musgrove’s Addition to Neelsville” subdivision, Plat No. 16736. The lots are currently unimproved and wooded.

**I. MASTER PLAN COMPLIANCE**

The Clarksburg Master Plan, approved and adopted in June, 1994 (the “Master Plan”), provides specific recommendations to encourage the provision of child day care throughout the Clarksburg Study Area. The Proposed Special Exception will enhance and broaden the quality of child day care available to working families in the Clarksburg area. Importantly, the character of the area will be preserved with the design of the buildings.

The Master Plan specifically encourages child day care providers within the zone because of the notable demand for child-care for working parents in the area. Specifically, the Plan envisions that “[a]s the Clarksburg Master Plan Area and Hyattstown Special Study Area grow, the demand on social services, including child care will increase.” (p. 166). Further the Plan states that “[h]uman services such as elderly day care, teen programs, child day care, and recreation, should be provided throughout the Clarksburg Master Plan Area and Hyattstown Special Study Area.” (p.166). The Master Plan states that “child day care should be dispersed throughout the Study Area with concentrations near transit, employment areas and concentrations of housing.” (p.167). The proposed Special Exception would place a child day care facility in the midst of a large concentration of residential subdivisions, along a major commuter route which many of the parents who will utilize the facility already use to get to and from work.

**II. COMPLIANCE WITH THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS**

**A. §50-34 (e) Sites for other than single-family dwellings.**

*(1) All sites proposed for uses such as churches, public utilities, shopping centers, multi-family dwellings, general commercial or industrial shall be indicated for such use on the preliminary plan, together with scaled dimensions and approximate area of each such site. The proposed use shall be in accordance with the uses for which the property is actually zoned or recommended for zoning on a duly adopted zoning plan. Nothing herein shall be construed to limit actual development to such proposed uses.*

The proposed use is noted on the Preliminary Plan and is in accordance with existing zoning, subject to approval of the Special Exception by the Board of Appeals.

*(2) When the property is included in more than one zoning classification, the lines showing the limits of each classification shall be clearly indicated.*

Not applicable.

*(3) Interior road or street access, whether private or proposed to be dedicated, shall be shown.*

Street access and drive aisles are so noted. See Proposed Preliminary Plan.

**B. §50-34 (f) Wells and septic systems.**

Not applicable.

**C. §50-34 (g) Staging Schedule.**

*The applicant or his agent must submit with the written application a recording and construction schedule which must indicate those portions of the area covered by the preliminary plan for which record plats and building permits will be sought and obtained during each of the succeeding years, up to the validity period of the APFO approval required by Sec. 50-35(k). Where a project is proposed to be built out in phases cumulatively exceeding three years, the applicant must submit a phasing schedule for approval by the Board as part of the preliminary plan. The preliminary plan establishes the validity period for the entire project.*

*When applicable, the phasing schedule should specifically identify the timing for the completion of construction and conveyance to unit owners of such things as common open areas and recreational facilities. In addition, the phasing schedule should indicate the timing for the provision of moderately priced dwelling units, and infrastructure improvements associated with each phase. Such a phasing schedule must be designed to have as little dependence on features (other than community-wide facilities) to be provided in subsequent phases and have minimal impact during construction on phases already built and occupied.*

*For projects that require site plan review, the applicant may submit the final phasing schedule, detailing the information required in this section, provided the implementation of the phasing schedule does not exceed the validity period established in the preliminary plan.*

The Special Exception will be constructed in one phase. Record plats and building permits will be obtained prior to the expiration of the Preliminary Plan and APF validity periods, respectively.

**D. §50-34 (h) Increase of density.**

*A preliminary subdivision plan for a property in a receiving area which proposes to increase the density of the property by a utilization of development rights shall indicate, in addition to the number of lots permitted by the base density, the number of development rights to be conveyed to the receiving property, the total density, in dwelling units, of the proposed subdivision, the number of moderately priced dwelling units to be provided in accordance with the provisions of Chapter 25A, and the density recommended by the approved and adopted general, master, sector or functional plan.*

The Special Exception will not utilize the transfer of development rights. The Project does, however, propose the consolidation of two recorded lots to become a single lot for the purpose of constructing the Special Exception. The Special Exception includes a total of 20,500 square feet, divided between two structures, connected by a “breezeway.” One structure will house day care children (infants and toddlers) while the “Annex” structure will house the after-school program (kindergarteners thru 6<sup>th</sup> graders).

**E. §50-34 (i) Development rights.**

*Such a preliminary subdivision plan must include at least two-thirds of the number of development rights permitted to be transferred to the property under the provisions of the appropriate general, master, sector or functional plan. However, upon a finding by the Planning Board that for environmental reasons it would be desirable to permit a lower density, the two-thirds requirement may be waived.*

The Applicant does not propose to transfer development rights.

**F. §50-34 (j).**

*A preliminary subdivision plan application for a subdivision to be located in a transportation management district, as designated under Chapter 42A, Article II, must contain a draft traffic mitigation agreement that meets the requirements of that article unless one has previously been submitted at the time of the project plan submittal under the optional method of development.*

Not applicable. The Property is not located within a transportation management district.

**III. DURATION OF VALIDITY PERIOD**

**§50-35(h)(2)(B)**

*An approved preliminary plan for a multi-phase project remains valid for the period of time established in the phasing schedule approved by the Planning Board. Each phase must be assigned a validity period, the duration of which must be proposed by the applicant as part of an application for preliminary plan approval or an application for preliminary plan revision or amendment, reviewed by staff, and approved on a case-by-case basis by the Planning Board, after considering such factors as the size, type, and location of the project. The time allocated to a phase must not exceed 36 months from the initiation date associated with that particular phase. The cumulative validity period of all phases may not exceed the APFO validity period which runs from the date of the initial preliminary plan approval including any extensions granted under Section 50-20(c)(5). Validation of a preliminary*

*plan for a phase occurs upon the recordation of a final record plat for all property delineated in that particular phase of the approved preliminary plan.*

The Special Exception will be developed in one phase.

#### **IV. ADEQUATE PUBLIC FACILITIES (“APF”)**

##### **A. Roads and Transportation Facilities.**

###### 1. Vehicular and pedestrian access:

The Project has building entrances facing the drop off lane of the parking area to facilitate drop off and pick up of children by parents who must park and walk into the buildings with their children. Vehicular access to and from the site is accomplished with one driveway on to Frederick Road.

###### 2. Local Area Transportation Review (LATR):

A Traffic Impact Analysis is enclosed herewith, and indicates all surrounding intersections will be operating within current limits and standards when the Special Exception is operational. A left-turn lane, deceleration and acceleration lanes are proposed, as well as intersection improvements, to enhance the safety of the road network serving the Property.

###### 3. Policy Area Mobility Review (PAMR):

Under the FY 2007-2009 Growth Policy, the PAMR test is required because the preliminary plan was filed after January 1, 2007, and the proposed Special Exception development generates more than 3 new peak-hour trips. The Applicant will be required to mitigate 10% of new trips added to the road network. The Applicant has proposed to construct a 1400 linear foot bike path extension along Frederick Road to satisfy this requirement.

##### **B. Other Public Facilities.**

Other public facilities and services are available and will be adequate to serve the proposed dwelling units, retail and office uses. Schools, health, police and fire rescue services are

currently operating within the standards set by the Growth Policy Resolution currently in effect. The Property is served by public water and sewer service, and will be adequate to serve the project. A Stormwater Management Concept Plan was approved by the Montgomery County Department of Permitting Services (“DPS”) on May 4, 2010. The site layout and design provides adequate access and turning radii for fire and rescue vehicles.

**C. Validity Period.**

**§50-20(c)(3)(A)(iii)**

*An APF determination made under this Chapter is timely and remains valid:*

*For no less than 7 and no more than 12 years after the preliminary plan is approved, as determined by the Planning Board at the time of approval, for any plan approved on or after April 1, 2009, but before April 1, 2011.*

The Applicant requests a total APF validity period of 7 years.

**V. ENVIRONMENT**

The Special Exception will be designed under the guidelines of the Green Building Council and will comply with Montgomery County requirements in this regard. The Property is located within the Clarksburg Special Protection Area (SPA) and as such the Applicant has designed the site to minimize disturbance to specimen trees and minimize impervious surface area.

**VI. WAIVERS**

**A. Parking Spaces.**

The Applicant requests a modification of the parking requirements in the Zoning Ordinance found at Section 59-E-3.7, which requires 89 off-street parking spaces, consisting of 1 space per non-resident staff member and 1 space for every 6 children served at the facility. The Applicant is requesting a waiver of 29 spaces (32%). Accordingly, 60 spaces are shown on the Preliminary Plan enclosed herewith. The Board of Appeals has the authority to waive parking standards for a

Special Exception according to Section 59-E-4.5, which provides, “[t]he ... Board of Appeals may waive any requirement in this Article not necessary to accomplish the objectives in Section 59-E-4.2.” We have included this justification for informational purposes only.

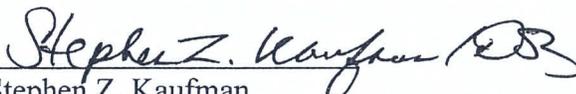
The requested parking waiver will serve a number of important purposes without affecting the safety, adequacy and function of the parking facility. Goddard, which operates a number of other similarly sized day care facilities, often serves more than one child per family. The result is that, on average, several families, and in Goddard’s prior experience approximately 30% of Goddard’s clients, pick up and drop off more than one child per visit. In addition, working parents are often on various schedules so parents do not drop-off and pick up children all at the same time, rather arrivals to the site are staggered through the morning and afternoon, leaving ample parking spaces for parents and employees. Fewer parking spaces also translates into less impervious surface, an important consideration in Clarksburg which is in a Special Protection Area (SPA). Environmental guidelines for SPAs require consideration of various tools designed to minimize stormwater runoff and site imperviousness. Approval of the proposed parking waiver allows the Project to serve the objectives of the code requirements on parking facilities while protecting the health, safety and welfare of the parents, employees and children served on-site, users of adjoining lands and public roads; provides safe circulation for pedestrians and motorists; prevents traffic congestion; and provides adequate lighting.

**VII. CONCLUSION**

The Applicant respectfully requests that the Planning Board grant approval of this Preliminary Plan for a Special Exception in the R-200 Zone. As explained above and in the plans submitted with this Application, the Project satisfies the findings that the Planning Board must make in approving a Preliminary Plan application under the Subdivision Regulations. This Project will provide child day care in close proximity to residential communities, and as such, will address the goals of the Master Plan. The Property is surrounded by residential subdivisions with large numbers of families with working parents who need child day care. The Special Exception will fit harmoniously within the context of the surrounding land uses and neighborhood.

Respectfully submitted,

**LINOWES AND BLOCHER LLP**

By:   
Stephen Z. Kaufman

By:   
Debra S. Borden

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Bethesda, Maryland 20814  
(301) 961-5156 (Kaufman)  
(301) 961-5250 (Borden)

Attorneys for Applicant