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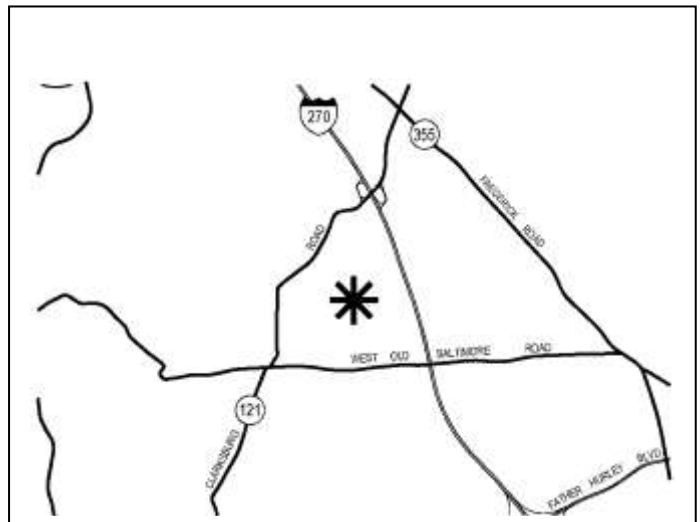
**Limited Site Plan Amendment and Water Quality Plan: 82006029A Winchester I Cabin Branch Neighborhood  
Staff Report Date 11-18-11**

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**Description**

**B. Limited Site Plan Amendment No. 82006029A:  
Winchester I Phase of the Cabin Branch  
Neighborhood (includes a Water Quality Plan)**

Adjacent to the intersection of Clarksburg Road (MD 121) and Broadway Avenue, 141.81 acres, MXP and RMX-1/TDR Zones, Clarksburg Master Plan  
**Staff recommendation:** *Approval with conditions*



**Summary**

Winchester Homes, Inc. has applied under Section 59-D-3 of the Zoning Ordinance, Site Plan Review, Standard Method of Development, to restore the existing historic Bryne Warfield farm house, construct 439 new homes, dedicate an elementary school site, and construct a new Local Park. This site plan amendment represents the first residential development within the 535-acre tract that forms the heart of the Cabin Branch Neighborhood. The fully built plan, approved under the Development Plan G-806, allows 1,886 residential units, 2,420,00 square feet commercial space and 500 senior housing units.

The Winchester 1 Plan closely follows the Preliminary Plan and the Infrastructure Site Plan, encompasses Phases 1.1-1.3 of the Road Phasing Plan, (MD 121 improvements and two of the main north-south public streets internal to the development. The plan includes intra-block private streets, scaled residential blocks, an elementary school site and a local stream buffer park, in addition to a variety of attractive public open spaces distributed throughout the neighborhood enclaves

## RECOMMENDATION & CONDITIONS

Staff recommends approval of Site Plan and Water Quality Plan 820006029A, Cabin Branch Winchester Phase 1:

### Conformance with Previous Approvals

1. Development Plan Conformance  
Comply with the binding elements, general notes, and the development program as shown on the Certified Land Use Plan of the Development Plan Amendment G-806, Exhibit 67(g), dated September 9, 2003; comply with the conditions and binding elements adopted in *Opinion 15-326*, Zoning Ordinance Amendment approved by the District Council, September 9, 2003. [Attachment
2. Preliminary Plan Conformance  
Comply with the conditions of approval for Preliminary Plan Amendment 12003110B, *MCPB Resolution No. 08-117*, dated October 6, 2008, unless specifically modified or amended by the District Council *Ordinance 17-04*, Subdivision Regulation Amendment No. 11-01 (Validity Period) dated April 1, 2011, and/or District Council *Ordinance 16-35*, Subdivision Regulation Amendment No. 09-01 (Validity Period), dated April 1, 2009.
3. Infrastructure Site Plan  
Comply with conditions of approval of the Infrastructure Site Plan, 820050150, as specified in the MCPB Resolution 07-131, dated July 19, 2007; comply with plan Amendment(s): 820050150A, per Resolution 08-68, dated June 9, 2008, and with Amendment 820050150B.
4. Cabin Branch Design Guidelines for Site Plan Review
  - a. Submit with building permit applications for each Development Program Phase an approval from the Town Architect stating that the proposed buildings, within that phase, are in conformance with the certified site plan and with design specifications of the Guidelines.
  - b. Submit to the Director of Planning (or designee) architectural plan construction documents from which Applicant will submit individual building permit applications for each Development Program Phase, for Design Guidelines conformance review. Submissions will be granted automatic approval after 10 days, unless Applicant is notified that the submission does not comply.

### Density

5. Housing and Major Amenities
  - a. Provide within the 56.92 acres in the MXP Zone: 232 residential units, including 33 one-family detached units, and 199 one-family attached units of which 53 units are Moderately Priced Dwelling Units (MPDUs);
  - b. Provide within the 84.99 acres in the RMX/TDR-1 Zone, 208 residential units, comprised of the existing historical Bryne-Warfield Farm House, 207 new residential units of which 83 are one-family detached units, and 124 are one-family detached units that include 17 MPDUs and 132 Transfer Development Rights (TDRs), dedication approximately 9.61 acres for future school site and a dedication and provision of a minimum 10-acre park with facilities and parking for MNCPPC Parks Department. All site development elements, details and specifications shown on the site and landscape plans stamped "Received" by the M-NCPPC on October 26, 2011 are required except as modified by the following conditions.

## Transportation

### 6. Transportation and Transit Services

Comply with conditions detailed in the Transportation Planning memorandum, Preliminary Plan 12003110B, that remain in full force and effect as delineated in *MCPB Resolution No. 08-117*, dated October 6, 2008, and:

- a. Develop a Transit Services Plan showing location of bus stops, ride-share locations, and information kiosks; maintain a rideshare bulletin board on the Cabin Branch intranet website, accessible to all residents and employees at Cabin Branch, prior to the first occupancy permit. The website must be operational prior to issuance of the first building permit.
- b. Establish a carpool, vanpool, and bike-matching program for all residents and employees at the Cabin Branch site by delineating locations and services as part of the Transit Services Plan, prior to 100th occupancy permit.
- c. Install permanent transit information kiosks and display areas in all office buildings and community centers with bus route (and the future Corridor Cities Transitway) schedules. The location and design of transit information stations must be coordinated with the Department of Transportation Commuter Services and installed prior to issuance of occupancy permits for each applicable building.
- d. Provide bike racks, located at the public green spaces, in accordance with the Development Program and as acceptable to MNCPPC Staff, timing to be determined at the time of Certified Site Plan. Bicycle parking must be provided at a bicycle-to-auto ratio of 1:20, using the number of on-street parking spaces and the surface lot spaces that serve the Local Park.
- e. Provide a program for notifying residents regularly of the road construction schedule, access limitations, and arrangements to limit the impact of any access limitations to area roads, businesses, and residences.

### 7. Maryland State Highway Administration

- a. Submit permit application to SHA for the proposed construction improvements and realignment of Clarksburg Road (MD 121) in accordance with the Road Phasing Plan, approved by the Planning Board per Resolution 08-117, October 7, 2008. Permitting, construction and approvals will be performed by SHA.

### 8. Montgomery County Department of Permitting Services (DPS)

- a. Obtain a revocable permit for the construction and placement of entrance pavilions/kiosks located within the public right-of-ways.
- b. Provide and enter into a recorded Covenant for Maintenance and Liability of the Pavilions prior to issuance of the permit by DPS. DPS reserves the ability to enforce additional requirements as needed.

### 9. Montgomery County Fire and Rescue Service

Comply with the conditions of approval per Fire Access and Parking Plan, approved September 9 2011.

## Site Design

### 10. High Visibility Lots Treatment

Provide enhanced architectural treatments such as stone/brick walls, seat walls, architectural fences, and/or landscaping to be proposed by the Town Architect and subject to review and approval of MNCPPC Staff prior to Certified Site Plan:

- a. Block A, Lot 1: Provide a one car-width garage apron, and extend a wall/fence, six feet in height, with a return, to screen the rear yard from the view shed on Broadway; use materials compatible with the north house façade.
- b. Block A, Lot 28, Lot 58.
- c. Block A, Lot 57 .
- d. Block A; Stormwater facility between Lots 60 and 61.
- e. Block C, Block N, Wellspring Greenway.
- f. Block L, Lot 17.
- g. Block F, Lot 38.
- h. Block J, Lots 6, 18.
- i. Block P, Lots 1, 28.

## Landscape and Lighting Design

### 11. Landscaping

- a. Provide street tree planting at a minimum 40 feet on center and a maximum spacing of 50 feet on center, except where physical site limitations do not allow for the spacing. Any deviation from standards must be approved by MCDOT.
- b. Provide for residential units, based on lot and house type, an illustrative lot planting plan, showing size, number, species choices, and spacing of plants, , subject to review and approval by staff prior to Certified Signature Set.

### 12. Lighting

- a. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- b. Provide Illumination levels that do not exceed 0.5 foot-candles (fc) at any property line abutting MD Route 121 and offsite residential properties.
- c. Identify lighting proposed for the public right-of-way.

## Historic Property

### 13. Byrne-Warfield Farm House and Property

- a. Identify the historic property on all plans as Bryne-Warfield Farm, Individually Designated master Plan Site #15/24.
- b. Denote the environmental setting of the historic resource as the original boundaries of Parcel 747, which is 5.31 acres in size; clearly delineate the environmental setting boundaries on the Certified Signature Set.
- c. Submit for review and approval, through the Historic Area Work Permit process (HAWP), any proposed alternations within the environmental setting (i.e., new construction, grading changes, tree removal, fence installation, retaining walls, and alterations to the historic house).
- e. Maintain the circular drive around the historic house in gravel materials.

- f. Submit, for review and approval by the Historic Preservation Commission, a tree removal plan for any tree 6" inches in diameter (DBH) or larger.
- g. Prohibit activity lighting on the adjacent ball field unless approved by the Historic Preservation Commission.
- h. Remove non-historic elements and rehabilitate the house exterior, subject to approval from the Historic Preservation Commission.

### **Recreation Facilities, Pedestrian and Bicycle Amenities**

14. Comply with M-NCPPC Recreation Guidelines for all applicable proposed recreational facilities and demonstrate conformance for each facility with respect to size, grading, setbacks, location and targeted age group, as follows:
- a. Provide the following facilities for Cabin Branch Winchester I: one Tot Lot, one Child Play Lot, thirty-three Sitting Areas, four Picnic Areas, one Open Play Area I, one Open Play Area II, one regulation Soccer Field, Bike System, Bicycle Racks, Pedestrian System, Nature Trails, and Natural Areas.
  - b. Provide an 8-foot wide path (asphalt) off-street, within the public right-of-way as shown on the Winchester I and II Green space/Overall Plan Exhibit, in the following locations:
    - i. West side of Bryne Park Drive and Fulmer Avenue;
    - ii. East side of Dunlin Street;
    - iii. South side of MD 121;
    - iv. East side of Cabin Branch Avenue
    - v. Connection path between the future school site and the Local Park from Dunlin Street to Bryne Park Drive and along the stream valley buffer to the Local Park surface parking lot;
    - vi. Provide an 8-footwide path (asphalt) between the future school site and the Local Park from Dunlin Street to Bryne Park Drive;
    - vii. South side of Tribute Parkway;
    - viii. Provide a Public Improvements Easement (PIE) for all paths not located with the public right-of-way.
  - c. Provide a bike path signage plan subject to DOT review and approval .

### **Public Spaces and Amenities**

15. Design

Provide the following information regarding the public space amenities: furnishings and fixtures, materials and design, grading, landscaping and planting for review and approval by MNCPPC Staff and to be finalized with Certified Site Plan. The drawings, at 1"=30' scale, must include the nearest public street(s) and housing footprints.

- a. **Merganser Corner Park**
  - i. Provide additional landscape elements to mark the end of the curvilinear path (parcel D) at its arrival point at the top of grade adjoining Cohosh Lane; to shape the space, for its two view sheds, Merganser Street, Broadway: cluster a small grove of trees at the arrival point.
- b. **Wellspring Street Greenway**
  - i. Provide architectural screening at Private Street C1, C3, N1 and N3, for the Greenway.
- c. **The Secret Path**
  - i. Provide details for path materials and edge treatment that marks the semi-public paths apart from the adjoining private lots;

- ii. Provide visually distinctive materials for the path, such as colored pea gravel, or alternative.
- d. **The Amphitheater**
  - i. Provide details for the retaining wall surrounding the amphitheater; provide adequate sitting surface around the perimeter.
  - ii. Provide three ornamental lighting fixtures for the perimeter of the amphitheater; provide two seating benches at the upper outside perimeter of the amphitheater;
  - iii. Provide a raised lip, or architectural detail around the southern edge of the amphitheater to serve as a ball stop.
  - iv. Provide a secure power source for the use of the HOA for event programming in the Amphitheater.
  - v. Provide a pad for wheelchair placement for event or recreational viewing.
- e. **Tribute Parkway**
  - i. Provide seat wall at the south green space (located between Units 9 and 10, Block H) to obscure the view of the alley driveway; provide wall depth adequate for sitting.
  - ii. Provide detailed drawings showing the size, dimensions and materials for all sculptures, and the finished installation setting.

16. Maintenance Responsibility

The Applicant, its successors, assignees, and/or the successor HOA shall be responsible for maintaining community-wide amenity features such as HOA playgrounds, HOA open spaces, retaining walls, parking facilities, streetscape elements and natural features.

**Sustainable Design**

17. Energy Efficiency

- a. Demonstrate, for one-family detached residential units, means by which to achieve Energy Star rating under the national energy performance rating system [or the prevailing energy code in enforcement in the county at time of permitting](#).
- b. Provide a power feed for one electric car-charging station located at either the Local Park surface parking lot prior to Parks Department occupancy or near a major public green space.
- c. Provide, on HOA or Park site accessible to residents, for community garden space suitable for cultivation of edible food products, and local CSA program information.

**Transferable Development Rights (TDRs)**

18. Acquisition and Recordation

- a. Provide verification, prior to recording of each residential plat for the Winchester I site plan, that the numbers of TDRs relevant to that plat have been acquired.
- b. Acquire 132 TDRs under the Cabin Branch Winchester I site plan.

**Moderately Priced Dwelling Units (MPDUs)**

19. Location and Phasing

- a. Provide 70 MPDUs as part of Cabin Branch Winchester I site plan, (15.9 % of total number of units), consistent with Chapter 25A. The minimum number of units for Winchester I site plan required is 55 MPDUs; the additional 15 units are credited toward future Winchester sections of development.
- b. Execute the MPDU Agreement to Build prior to issuance of the first building permit.

## Parks

### 20. Dedication of Land to M-NCPPC Parks Department

- a. Dedicate and convey to M-NCPPC in fee simple, the agreed upon area of contiguous land that is located between the proposed elementary school site and the proposed Fulmer Avenue (Street H), Bryne Park Drive and Stilt Street (Street J) and continues south along the Little Seneca Tributary to Old Baltimore Road. The northern portion of the dedicated land that is suitable for active recreation must be at least 10 acres of contiguous, usable land divided only by the historic home (including circular driveway) . Parkland to be conveyed in fee simple by deed acceptable to M-NCPPC staff at the time of record plat and conveyed free of trash and unnatural debris and park boundaries staked and signed to distinguish from private properties.
- b. Clearly delineate on the Certified Site Plan, exact park dedication boundaries that are acceptable to parks Department staff and are easy to identify, sign and manage, and that clearly distinguish between Park land, HOA property and private lots.
- c. Demonstrate that there are no retaining walls or stormwater management ponds or facilities located on dedicated parkland.
- d. Provide, at Applicant's expense, the park's active recreational facilities and amenities to include one (1) adult sized soccer field, multi-age playgrounds/ tot lots, an open grass play area, a picnic area with two shelters, 8-foot minimum width hard surface trails within the park to serve the various facilities (10-foot wide if needed for maintenance access), drinking fountain, park signage, information kiosks, and decorative features, portable restroom pad and enclosure, appropriate fencing for safety along any or steep slopes ( acceptable to staff), park landscaping and local parking for at least 120 cars, including at least 60 spaces located on dedicated park land. Facility layout to be substantially as set forth on the Site Plan with final details of park design, engineering, grading, and layout to be determined in coordination with and acceptable to park staff prior to the first building permit and the plans will be provided as a supplement to the Site Plan Signature Set.
- e. Construct facilities to M-NCPPC parks standards and specifications after procurement by the Applicant of appropriate Parks permit. Copies of applicable standards and specifications will be provided to Applicant by the time of the Site Plan Signature Set.
- f. Provide an open grass play area adjacent to the historic house to include some relatively flat Site Plan, substantially as set forth on the Site Plan, suitable for informal ball play. Submit, to M-NCPPC Parks Department staff, final grading plan for review and approval.
- g. Coordinate the design of Park entrance features with M-NCPPC Parks Department staff review and approval. Located picnic shelters away from the Park entrance at Tribute Parkway.
- h. Establish the final details, including general arrangement and species for plantings by the time of Certified Site Plan submission; some minor alterations will be allowed during the Parks permitting process.
- i. Construct hard surface and natural surface trails on dedicated park land and throughout the community to connect open spaces, elementary school and park land together in and accessible, pedestrian friendly manner. Trails in the local park area must be substantially as set for in the Site Plan; work with M-NCPPC Parks Department staff prior to Site Plan Signature Set approval to establish exact locations and surfacing of needed trails in order to provide recreational opportunities to the communities and businesses within the subdivision. Construct trails within park land to Parks Department standards and specifications.

## Schools

### 21. Montgomery County Public Schools (MCPS) Site Dedication

- a. Dedicate the school site parcel to MCPS prior to the 100<sup>th</sup> building permit.
- b. Realign the stormwater management vehicular access easement through the area where a team bench will be installed next to the softball field.
- c. Provide access, documented in the Certified Site Plan, for the HOA stormwater parcel along Clarksburg Road be provided from the school bus loop and remain unpaved.
- d. Provide, at a minimum, a system for the adequate and safe conveyance of runoff from the school site to a newly constructed off-site recharge facility subject to MCPS approval.
- e. Provide written certification stamped and signed by an appropriately licensed Maryland Professional Engineer that fill placed on this site meets criteria as outlined in the email dated May 30, 2008, or as amended by MCPS.
- f. Document in the record plat(s) grants of storm drainage easements to the Board of Education in the area dedicated to M-NCPPC.

### 22. Common Open Space Covenant

- a. Reference Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant") on the record plat of subdivision.
- b. Provide verification to M-NCPPC staff prior to issuance of the 301<sup>st</sup> building permit that the recorded HOA Documents incorporate by reference the subject Covenant.

## Development Program

### 23. Development Program Requirements

The Applicant must construct the proposed development in accordance with a development program that to be reviewed by M-NCPPC staff prior to the approval of the Certified Site Plan. The Winchester I Site Plan will be developed in two phases: Phase I proposes 176 residential units (129 attached townhouse units, 47 single family detached units). Phase 2 proposes 264 residential units (194 attached townhouse units, 70 single family detached units).The Development Program must include a phasing schedule as follows:

#### a. Streetscape

- i. Street lamps and sidewalks for public streets, private streets and alleys must be installed within six months after street construction is completed.
- ii. Street tree planting must be completed no later than six months after completion of the residential units or park and school facilities adjacent or adjoining the subject streets.

#### b. Local Recreational Facilities

- i. All Phase I Local Recreational Facilities shall be completed prior to the issuance of the 70% building permit for the units in Phase I, with the exception of the greenway along Wellspring Street. The recreation facilities in Phase I include integral sitting and picnic areas, bicycle racks, and the bicycle system paths within this phases. Landscaping and lighting associated with the Recreational Facilities must be installed no later than six months after the completion of those facilities.
- ii. The greenway along Wellspring Street must progress with construction of the adjacent residential units, but no later than six months after completion of the Landscaping and lighting associated with the adjacent units.



- iii. All Phase II Local Recreational Facilities must be completed prior to the issuance of the 70% building permit for the units in Phase II. The facilities in Phase II include the HOA amenity Tribute Parkway Park, integral sitting and picnic areas and the bicycle paths within this phase. Landscaping and lighting associated with the Recreational Facilities must be installed no later than six months after completion of those facilities.
- c. Community-Wide Recreational Facilities
- i. The school site and Local Park must be rough graded prior to the issuance of the 440<sup>th</sup> building permit for the entire Cabin Branch development consistent with the Infrastructure Site Plan approval, Resolution 07-131.
  - ii. The community entrance features located at Clarksburg Road and Cabin Branch Avenue, Broadway Avenue and Bryne Park Drive as well as the ellipse median located within Broadway Avenue shall be constructed prior to issuance of the 440<sup>th</sup> building permit, subject to permit approval by DOT and/or DPS.
  - iii. In accordance with the Infrastructure Site Plan approval, a building permit must be obtained for the community center and pool prior to issuance of the 650<sup>th</sup> residential building permit (regardless of applicant or phase).
  - iv. The M-NCPPC Local Park, including all facilities and amenities and parking facilities shall be constructed prior to the issuance of the 650<sup>th</sup> residential building permit, or the construction of the homes adjacent to the park site, whichever comes first.
- d. General
- i. The Development Program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.
  - ii. On-site amenities associated with each block, including but not limited to, sidewalks, pathways, furnishings such as benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
  - iii. On-site landscaping and lighting associated with the construction of private roads and common areas shall be installed no later than six months after the completion of those roads and common areas.
- e. Clearing and Grading
- i. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan and the Certified Site Plan, except as specified in the conditions of approval for the Infrastructure Site Plan.
  - ii. The Local Park and MCPS sites must be rough graded prior to the 440<sup>th</sup> building permit, according to the approved Sediment and Erosion Control Plans and the Forest Conservation Plan.

## **Landscape Bonds**

### **24. Requirements**

The Applicant must provide a surety (letter of credit, performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Include in the surety amount, plant materials, on-site lighting, recreational facilities and site furnishing and fixtures with the relevant block of development. Surety must be posted prior to issuance of the first building permit within each relevant block of development and tied to

the Development Program. The surety should include Merganser Corner Park, The Secret path, the Amplitheater, Wellspring Greenway, Broadway ellipse, and Tribute Park but should not include the school or Local Park site, areas within public ROW or SWM pond easements, or improvements on residential lots.

- b. Provide a cost estimate of all materials, treatments, and installation and construction labor, which will establish the initial bond amount.
- c. Completion of plantings by block, followed by inspection will allow for a bond reduction. Inspection approval starts the 1-year maintenance period; bond release occurs at the expiration of the one-year maintenance period.
- d. Provide a Landscape, Furnishings, Fixtures, and Landscape Structures Agreement that outlines the responsibilities of the respective parties and incorporates the cost estimate, prior to issuance of the first building permit.

## **Environmental**

### 25. Water Quality Plan

- a. Comply with conditions of the Revised Final Water Quality Plan and Stormwater Management Concept approval issued by DPS August 31, 2011.
- c. The Applicant is bound by all conditions of the approved Infrastructure Site Plan No. 820050150 dated June 14, 2007, except as modified herein.
- d. All off-site reforestation must occur within the Clarksburg Special Protection Area unless specifically approved by the Planning Board.
- e. The record plat must show all areas of stream buffers within a Category I conservation easement unless the area is to be dedicated to the Montgomery County Department of Parks or is otherwise within a road right-of-way, utility easement or stormwater outfall.
- f. No retaining walls are permitted within any environmental buffer unless approved by the Planning Board.

### 26. Noise

- a. Limit the acceptable noise levels to a maximum 65 LdN for residential rear yards, per Montgomery County Guidelines.

## **Certified Site Plan**

### 27. Requirements

- a. Phasing
  - i. Site Plan Resolution
  - ii. Development Program, inspection Schedule
  - ii. Detailed Phasing Plan showing phasing lines consistent with the Development Program;
- b. Environmental Elements
  - i. Limits of Disturbance
  - ii. Undisturbed stream buffers, except where approved outfalls are located
  - iii. Methods and locations of tree protections
  - iv. Forest Conservation easement areas;
  - v. Note stating that M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
  - vi. Environmental setting protection for the historic resource or site.
  - vii. Verify the maximum building coverage for each lot and document the remaining available on-lot green space.

- c. Site Design
  - i. Definitive lot sizes, with building envelope setbacks labeled;
  - ii. Details for all site furnishings and fixtures: mailbox cluster, signage, seating, trash receptacles, bike racks;
  - iii. Wayfinding and signage
  - iv. Details for all public spaces, including grading, furnishings and fixtures, lead walks.
- d. Landscape and Lighting
  - i. Details for all public spaces, including grading, furnishings and fixtures, lighting lead walks, retaining walls showing top and bottom elevations, and seating wall thickness, materials, planting (size, spacing, proposed species and alternate species).
  - ii. Provide a Cabin Branch Street Tree Plan, showing the proposed tree locations and species for each public street; provide a supplementary plan showing proposed street tree planting for all private streets and/or alleys.
  - iii. Provide street trees at minimum caliper of 3 inches at the time of planting; shade trees on HOA property or lots to be 2.5-3.0 inches at the time of planting; coniferous trees to be 6 feet in height at the time of planting.
  - iv. Ensure consistency of all details and layout between site plan and landscape plan.
- e. Building Design
  - i. Provide drawings with details and dimensions for all site amenities, including kiosks, walls, monument signage, pergolas, entry features, sculptures and their bases, etc.
  - ii. Provide hard line drawings of each unit type, showing materials, entrances, parking, unit height from finished floor level.
- f. Development Data
  - i. Verify and/or update all development data including TDRs, MPDUs, impervious area, public use space, HOA space, public dedication land, density calculations, and development tracking with respect to the Development Plan and Preliminary Plan.
  - ii. Note stating the percentage of green space provided both under the Water Quality Plan and the Site Plan; note stating the amount in percentage and square footage to be compensated for in future site plans.

**Project Summary**

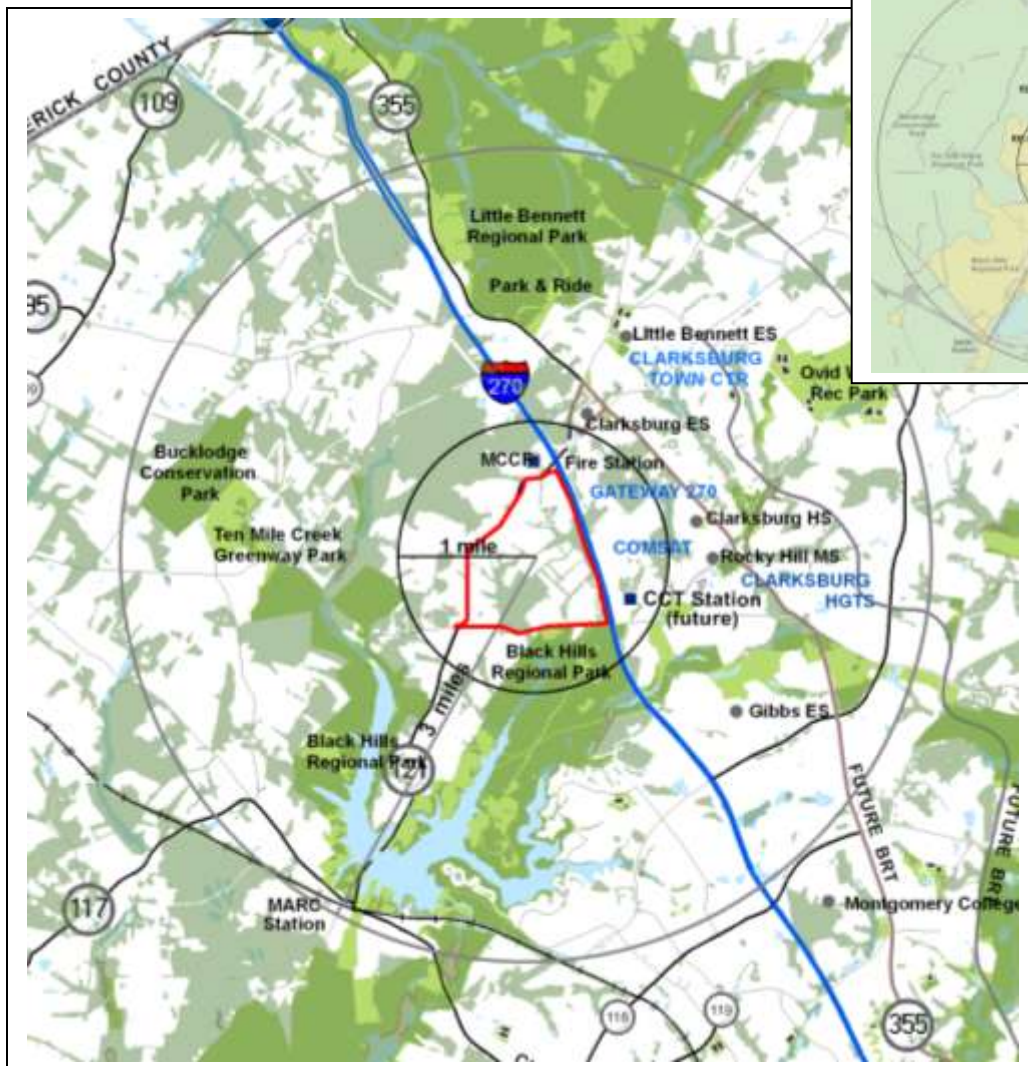
The Applicant, Winchester Homes, Inc. has applied under Site Plan Review to construct 439 new residences on a portion of its property, under the Cabin Branch Winchester Phase One Site Plan. The subject property comprises 141.10 acres, sited within the larger Cabin Branch tract of 535.04 acres under multiple owners. The plan proposes a highly articulated neighborhood form, characterized by a dense mix of housing types that, in its striking natural setting, preserves two stream valleys, and provides a school site adjoining a new local park to achieve a visionary figure ground pattern. Note the historic Bryne Warfield House at the center of the site plan boundary.



## PROJECT DESCRIPTION

### Vicinity and Surrounding Neighborhood

The Cabin Branch Neighborhood rests at the confluence of richly contrasting elements that form the ecology and economy of Montgomery County: the I-270 Technology Corridor, the Agricultural Reserve, Black Hills and Little Bennet Regional Parks and existing and proposed transitways. To the south lies large-lot suburban residential development (RE-1/TDR, R-200/TDR), and further south is Gaithersburg and the Shady Grove Life Sciences Center (LSC). The Clarksburg Town Center (RMX-2) lies to the northwest, surrounded by residential zoning. The subject neighborhood lies almost equidistant from the two regional parks. The natural assets of the general area, as well as the Cabin Branch site itself, fit snugly between farmland (RDT) to the west and the highway to the east, featuring steep slopes that are connected hydraulically to the Waters of the United States, the headwaters. The area is designated a Special Protection Area because of its identification as a sole source aquifer. The central position of the Cabin Branch tract, posed between high-volume interstate traffic with employment intensity (I-3) and the bucolic, heavily forested parks, flanked by rolling, working farmland highlights the unique opportunity to mediate within the Cabin Branch neighborhood itself, these diverse elements: the built and unbuilt, science and nature, and local and regional influences.

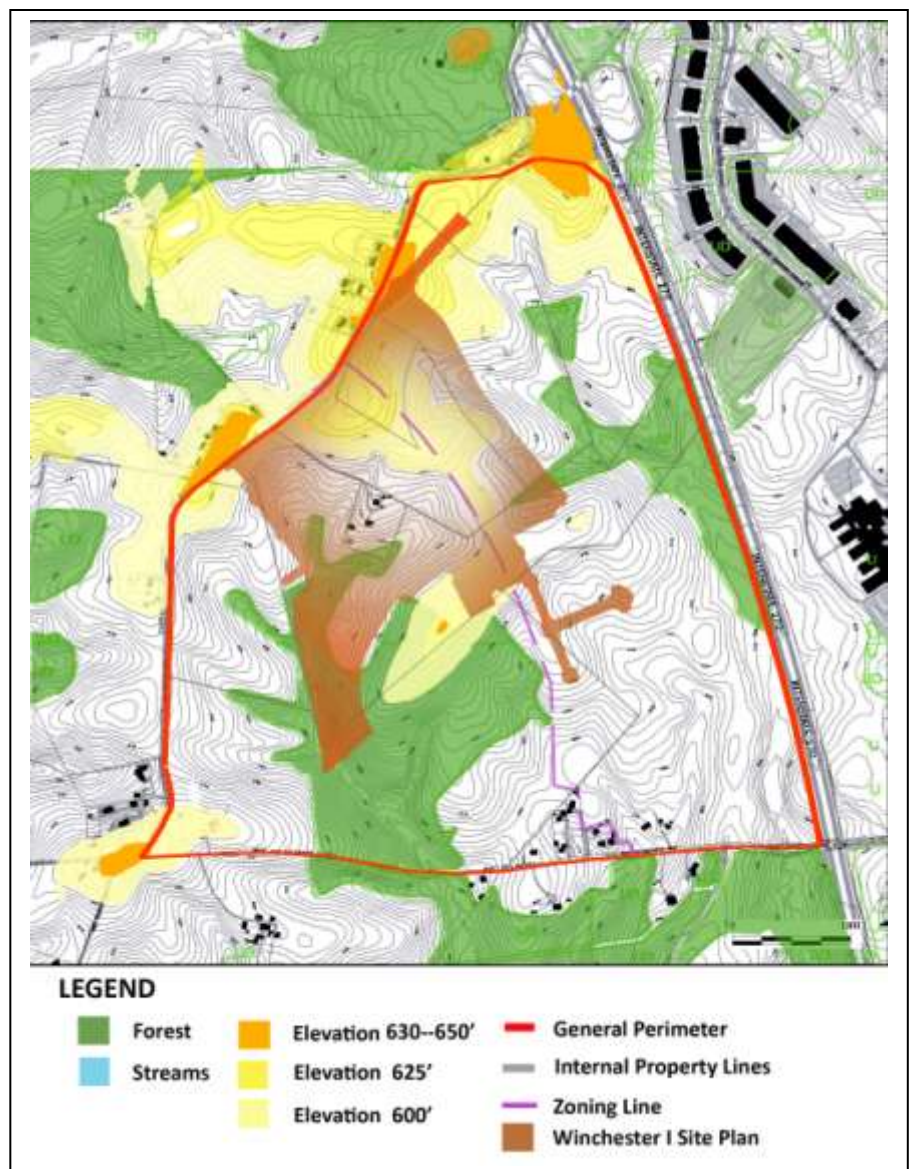


## Site Description

The natural elements inherent to the Cabin Branch tract give pause to considerations of development, and further, to the remarkable vision of the Master Plan in identifying the unique future role of the site for employment, housing, and the preservation of the local aquifer that supports extensive forestation. The striking organic form of this land demands a thorough understanding of the topography and hydrology that, in turn, create challenge and opportunity both, in the application of a built environment. This triangular canva, is ultimately rendered as a three-dimensional sculpture shaped reflexively by the two stream valleys that reach deeply into the site from the Black Hills, almost touching, yet restrained by an emergent linear topography that rises between them. This spine (600' elevation), carries northward at a nearly consistent elevation, forming, not coincidentally, the foundation for the main roadway before rising, tying into the ridge that forms the highest site elevations (625-650').

This prevailing ridge marks the north and western boundaries of the site, and Clarksburg Road. Thus, it is the ridge, in inverse relation to the stream valleys that provides the stable soils suitable to road construction.

Not coincidentally, this central ridge provides the foundation for the main street of the development as well as the zoning line marking the MXP zone to the east and the RMX-TDR1 zone to the west. Each side of the tract features a stream valley that hugs the central ridge, and frames the pattern of solid and void that becomes a signature element of this plan. Note the overlay of the Winchester 1 Site Plan boundaries and the topo elevations.



## The Proposed Plan

The planning and design for a project on the scale of Cabin Branch has proven to be an extensive multidisciplinary effort. Precision engineering, civil, geo-technical, electrical, mechanical, transportation and environmental, with architecture, urban design, and landscape architecture are essential to the development of a site so challenging in terms of program, existing conditions, environmental constraints, and potential market forces. The infrastructure necessary to “insert” an urban-style community into such a protected setting forces design that exploits every inch of space, negotiating every turn at tight tolerances to achieve workable, functioning utilities. Contrasted with the huge, largely unseen (underground) infrastructure are the aesthetic surroundings that create the humane environment envisioned by the Clarksburg Master Plan.



## Description of the Project

The applicant, Winchester homes, proposes to build a tight, densely clustered development, featuring a variety of housing types and block shapes, interlaced with a logical chain of formal parks and open space, well-defined in form. The rationalist street patterns, interestingly “laid down” by the underlying geo-soils, work as a tapestry, with the gently-curved north south roads predominate as “Main Streets” and the transverses as neighborhood connectors that strategically link the two stream buffers hugging the central spine. The dialogue between the finely edged urban-scale fabric, and the wild, organic form of the stream valleys is one that is heard throughout the design process, and in its architectural and engineered resolution, ultimately understood, in three dimensions, throughout this neighborhood.

## Site Design

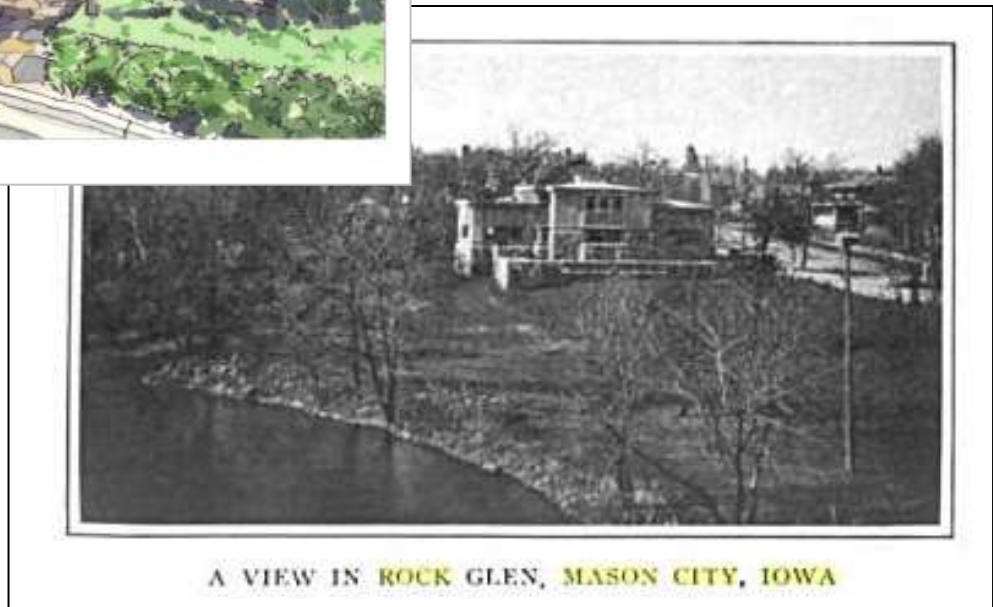
The site’s prevailing form reveals the design priorities set in motion with the Master Plan, and fulfilled through subsequent design development. The scale of the street system, that is, the width of the roadways, the establishment of the building lines, façade variation, the green medians, the street furnishings and fixtures serve to create a series of inviting “public rooms,” spatially understandable in scale, materials, orientation and navigation. The effort spent in refining these functional underpinnings through the Infrastructure Site Plan, is handsomely rewarded in the potential quality now achievable for the public realm, in both form and function. A high bar has been set for the realization of the private realm, in the design and construction of the internal block spaces, and the quality of the street walls.



Broadway Ellipse



Design details for Broadway, on the west side, a two-lane primary access point from Clarksburg Road, reference Walter Burley Griffin’s residential boulevard in *Rock Glen* (1911) sited in the hills of the Mississippi River Valley--an apt comparison, given the 150 –foot drop in grade from Clarksburg Road to Old West Baltimore Road. Its companion, Cabin Branch Avenue, on the east side, a 2-lane commercial boulevard, parallels Broadway both in grade and direction, differing in character, however, by the uses proposed for its eastern edge: senior housing, multi-family residences, and commercial and retail structures. The two roads are tied, by means of the attractive Tribute Park, a terraced, expansive median that creates a series of outdoor “rooms,” sculpture gardens that, in finely tuned steps, rise from the eastern stream valley to a high point at Broadway’s centerline, falling toward the western stream valley whose presence is marked by the entrance to the Local Park.



This is site design that not only understands its setting in three dimensions: its materials and its space, its breadth and depth, but more critically, envisions the dynamic movement of that setting: the natural life cycle, the structural limits of the eco-system, the tolerances of the built world to envision the future life and work of those to whom this place belongs.

### Architectural Design

The handling of texture, scale and proportions are critical to the reading of housing in an urban setting. Variation in materials, façade relief that interprets scale, and proportions that relate, but not copy, housing form set the lot-to-lot, block-to-block, and section-to-section relationships. In this way, an

urban fabric evolves, where the incremental is appreciated as is the large sweep, the parts make the whole, and the whole is the sum of the parts. It is this holistic realization that is essential in the organic development of a vibrant, engaged neighborhood. It is even more difficult to “design” such an inherent process, jump-starting a process that typically matures over decades or even centuries. Nevertheless, there is much to gather from the study of historically interesting neighborhoods that support large quantities of housing.

The requirement, through previous Site Plan approvals, for the Applicant’s development of Design Guidelines under the auspices of a Town Architect promises to guide this process as streets are detailed and constructed. The Architect will review individual units, and their placement within each block, and make recommendations regarding the effective street wall with respect to façade materials, porches and windows, building height, finished floor levels, and exterior architectural details. The applicant’s decision to provide an ample number of unit types, with numerous detail selections, offers the opportunity to achieve variety and similarity, with consistency and surprise, all elements to be realized in the in context of a city residential street. The treatment of the side yards will be critical with respect to privacy and noise attenuation on the most narrow lots, requiring the Town Architect’s review of side walls, construction materials, and exterior spaces. The introduction of a new product, is significant: “The Urban Loft,” is an attached unit that varies in height and materials, and may be sited in an L-shaped configuration in relation to its attached neighbors. This innovation in unit production offers greater flexibility in negotiating sites challenging in lot size, orientation, grading and access, and in this case, promotes a reduction in the number of retaining walls within the residential blocks. It may be interesting to note Walter Burley Griffen’s development of the first L-shaped residential unit floor plan.



**The Urban Loft Unit Type**



The Manor Town Homes proposed as one-family detached units, include a 20-foot wide unit and a 22-foot wide, in addition to the 16-foot wide unit offered as Moderately Priced Dwelling Units. Note the side-by-side MPDUs,(above center) that offer that offer the appearance of larger unit.



The selections offered as one-family detached homes vary considerably, with 24-foot, 30-foot, and 36-foot units. Exterior detailing, such as porches and dormer windows, shutters, and gables are available.

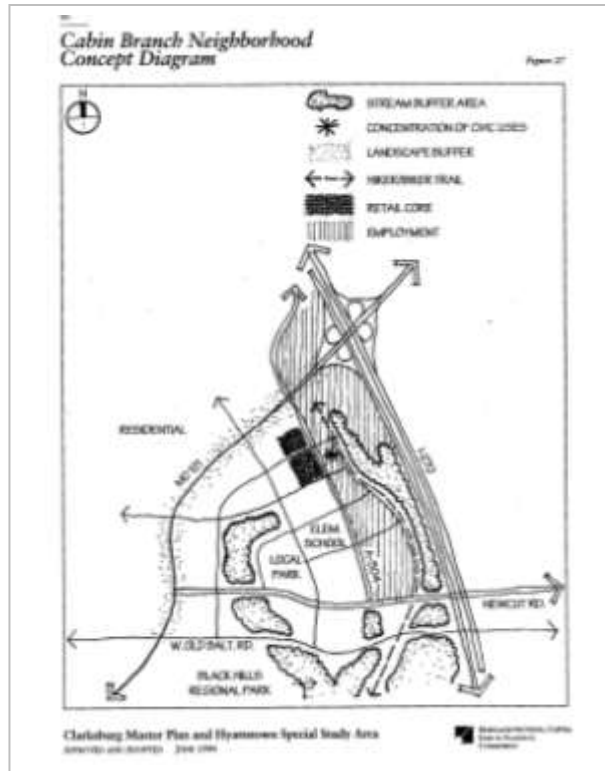
## Schematic Site Plan and Infrastructure



The extents of the infrastructure foundation may be seen in the above illustration. Note the careful underlay of the stormwater management facilities, block-to-block and street by street. The tract features numerous, stormwater ponds distributed throughout the site, that surround the edges of the stream buffers. The inter-laced elements cross property parcels and development phases.

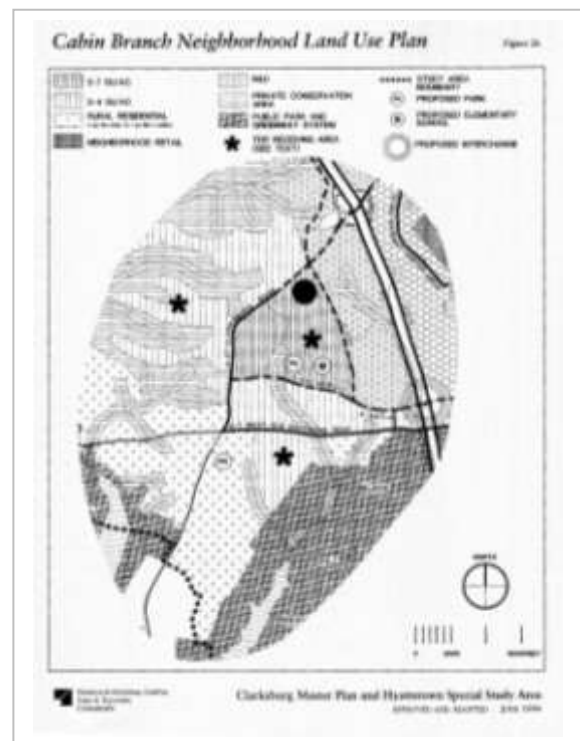
## REGULATORY HISTORY

### The Master Plan and the Development Plan



The Cabin Branch community is a 540-acre triangular tract of land, located on the west side of I-270, bordered by Maryland Route 121, I-270 and West Old Baltimore Road.

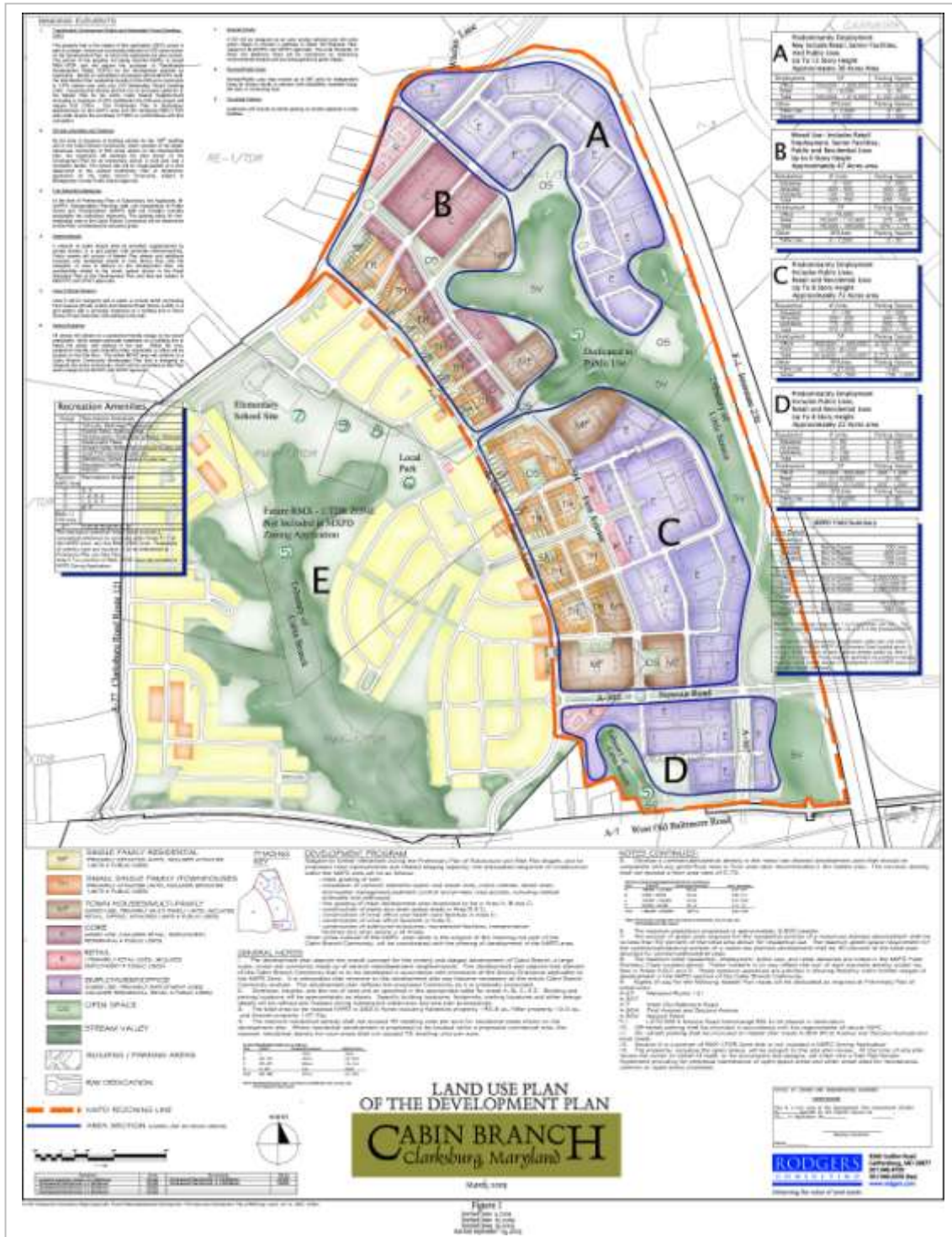
It is part of the larger Cabin Branch Neighborhood identified in the 1994 Clarksburg Master Plan which includes properties south of West Old Baltimore Road. The Clarksburg Master Plan calls for the Cabin Branch Neighborhood to be a mixed-use, planned community. The Plan recommends MXP and RMX/TDR zoning to accommodate the mix of uses and proposed densities.



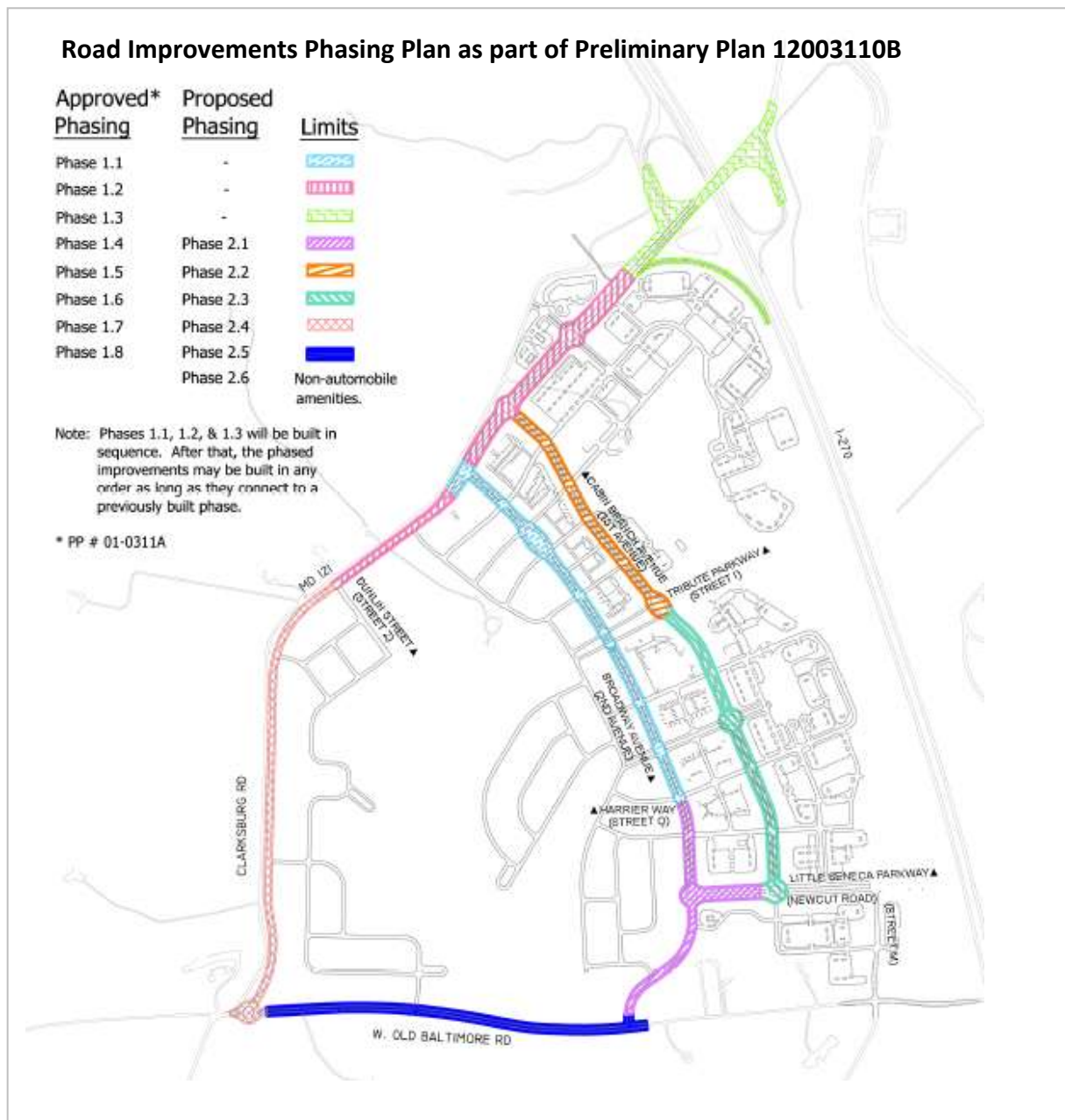
Although the Master Plan called for an integrated mix of uses including employment, all forms of housing, recreation and open space facilities, retail space, park areas and a site for an elementary school, it did not prescribe how the various property owners might jointly accomplish the goals. In 2002, the four major property owners of the 540 acre tract joined together to create an integrated vision for this major portion of the Clarksburg Neighborhood where the greatest mix of uses would occur. In effect, they ignored the property lines in order to establish a cohesive plan that would achieve all of the Master Plan objectives.

Those owners then presented the overall concept plan to the Montgomery County Planning Board in the form of a Pre-Preliminary Application, which the Planning Board unanimously endorsed. Following the Pre-Preliminary Application, the owners then filed a rezoning application (Local Map Amendment No. G-806) to reclassify 283.5 acres of the tract to the MXP zone in order to accommodate the Master Plan land uses and densities, leaving the remainder (approximately 257 acres) in the RMX/TDR zone, again pursuant to the Master Plan.

As part of the MXPD rezoning, the Planning Board supported and the Montgomery County Council approved a Development Plan for the tract that identified the various land uses, densities, overall plan orientation, general roadway configuration and the location of the prescribed parks and public school site. That Development Plan approval included nine binding elements that defined the allocation of TDRs and MPDUs, off-site amenity features, trip reduction measures and roadway issues among others. Also, at the request of WSSC, in 2005 the property owners prepared a Facility Plan for WSSC for Stages 3 and 4 which refined the framework for WSSC CIP improvements for the Clarksburg area west of I-270.



With the general vision of the Master Plan in mind, and the approved Development Plan in hand, the property owners of the Cabin Branch community then applied and obtained approval of a Preliminary Plan of Subdivision. (Preliminary Plan No. 12003110 and 12003110B). Some of the original property owners had conveyed their interests to Winchester Homes, Adventist HealthCare and other members of Cabin Branch Management who proceeding to implement the project. The Preliminary Plan, and an amendment to it, approved 1,886 dwelling units (in a mix of various single-family detached, single family attached and multi-family configurations), 500 senior housing units, 2,420,000 square feet of commercial space and the various open space and public school sites. The Preliminary Plan approval provided additional definition with respect to the location and configuration of on and off-site roadway improvements, development staging and other features. The Preliminary Plan approval also called for the submission and approval of an Infrastructure/Roads Site Plan to further define the location, configuration and timing of these improvements.



In 2007, the Planning Board approved the Cabin Branch Infrastructure/Roads Site Plan (Site Plan No. 820050150) and, in 2008, approved a Minor Amendment to that Site Plan relating to West Old Baltimore Road improvements. The Infrastructure Site Plan provided detailed definition for the location and cross section of roads within Cabin Branch and features of the parks, open space, as well as the public school site. That approval also included approval of a final Water Quality Plan for the project (No. 820050150).

Case No.	Opinion	Type	Use Approved	Status
<b>G-806</b>	9/9/2003	Local Map Amendment	Rezoned 283.5 acres to MXPB on the eastern portion of the tract. Development Plan for 535 acres to allow 1,886 dwelling units, 2,240,000 sf commercial and 500 senior housing units.	approved
<b>120031100</b> <b>12003110A</b>	6/22/2004	Preliminary Plan & Amendment	1,600 DU, 500 Sr. units, transportation improvements, LATR review, road construction phasing.	approved
<b>12003110B</b>	10/6/2008	Preliminary Plan Amendment	1,886 DR, 2,420,000 sf commercial, 500 sr. units.	approved
<b>820050150</b>	6/9/2008	Infrastructure Site Plan	Density per <b>12003110B</b> , maximum 635 TDRs, 236 MPDUs, 28.32 acres green space, public water and sewer (W-3), Master Plan Unit Mix, 2,436,000 sf retail and employment.	approved
<b>820060290</b>	10/6/2008	Winchester I Site Plan	428 DU, including Multi-family, attached and detached one-family homes, 64 MPDUs, 128 TDRs, 62.55 green space.	approved, amendment filed
<b>820060240</b>	9/29/2010	Gosnell Site Plan	Hotel, banks (employment) 87,500 sf and 8,600 auto-related uses, parking waiver.	approved
<b>MR08001</b>	4/3/2008	Mand. Ref	WSSC elevated water storage tank	transmittal
<b>16-35</b> <b>17-04</b>	4/1/2009 4/1/2011	Subd. Regl Subd. Regl	Extension of validity period Extension of validity period	approved

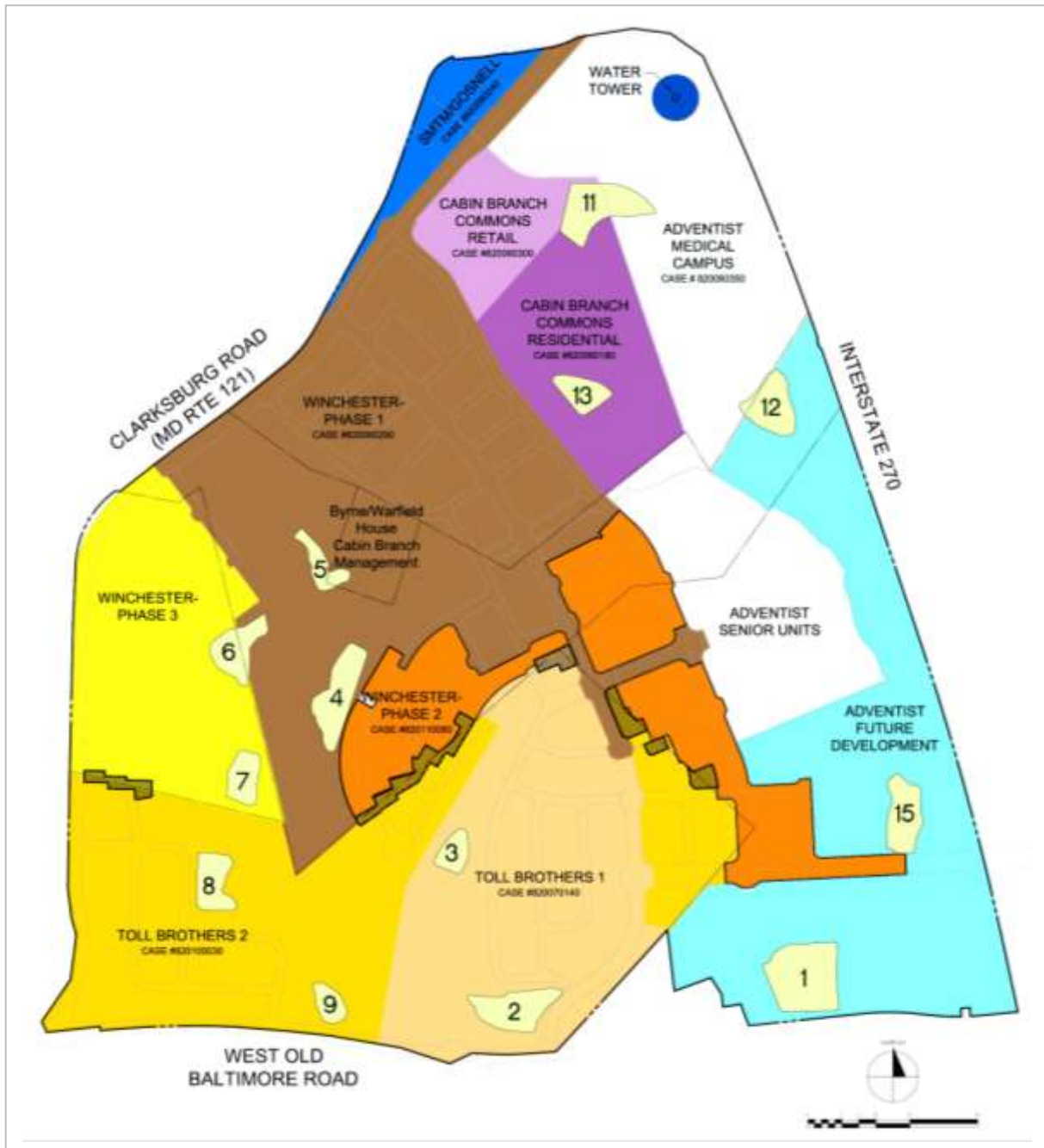
Since obtaining approval of the Infrastructure/Roads Site Plan, various property owners that comprise the Cabin Branch community, have proceeded with more detailed site plans for development of the various blocks and areas. Winchester Homes obtained the first approval, Site Plan No. 820060290, in 2008. Given its status as the initial detailed Site Plan, that Site Plan included approval of various overarching features for the whole project including the approval of Design Guidelines, design and construction details for the dedicated public park, grading and configuration of the proposed elementary school site, allocation of TDRs and MPDUs, infrastructure forest conservation, stormwater management. It updated the Final Water Quality Plan to reflect the more detailed aspects.

Since that Site Plan was approved, a Site Plan for part of the employment area along Maryland Route 121 (the Gosnell Site Plan) also has been approved and others filed by Winchester Homes, Toll Brothers and Concordia are pending. The project obtained approval for construction of a trunk line sewer, through Black Hills Park and into the property, which has since been constructed. The developers of the project also worked with the Washington Suburban Sanitary Commission under mandatory referral to obtain approval for the water tower to be built on the property that will service both this project and the rest of Clarksburg.



Approved Phasing	Proposed Phasing	Improvement(s)	Approved Development Program (PP 01-03110A)	Proposed Development Program (PP 01-03110B)
I.1		2 <sup>nd</sup> Ave (A-304 West) – from MD 121 to Street Q, two-lane business district roadway.	210 Units 190,000 S.F.	–
I.2		MD 121 – from Street Z to the I-270 interchange, two-lane to four-lane to six-lane arterial.	210 Units 125 Senior Units 190,000 S.F.	–
I.3		MD 121 – I-270 inter-change and bridge improvements.	210 Units 125 Senior Units 190,000 S.F.	–
I.4	2.1	2 <sup>nd</sup> Ave (A-304 West) – Street Q to W. Old Baltimore Road, two-lane bus. District road. Newcut Rd (A-302) – from 2 <sup>nd</sup> Ave to I <sup>st</sup> Ave, four-lane divided roadway.	194 Units 125 Senior Units 190,000 S.F.	57 Units 101,250 S.F.
I.5	2.2	I <sup>st</sup> Ave (A-304 East) – from MD 121 to Street I, two-lane business district roadway.	194 Units 190,000 S.F.	57 Units 101,250 S.F.
I.6	2.3	I <sup>st</sup> Ave (A-304 East) – from Street I to Newcut Rd (A-302), two-lane business district roadway.	194 Units 125 Senior Units 190,000 S.F.	57 Units 101,250 S.F.
I.7	2.4	MD 121 – from W. Old Baltimore Rd to Street Z, upgrade to two-lane arterial.	194 Units 190,000 S.F.	57 Units 101,250 S.F.
I.8	2.5	West Old Baltimore (A-7) – MD 121 to Newcut Road, upgrade to two-lane arterial.	194 Units 208,000 S.F.	58 Units 101,250 S.F.
	2.6	Non-automobile Transportation amenities.	–	375,750 S.F.

Case No.	Filed	Type	Pending Plans	Status
820060180	10/1/2005	Resd. Site Plan	<b>Concordia Phase 1</b> Residential Site Plan: 116 one-family attached townhouse units, 6 MPDUs, combined 2-over-2 units, 7,208 sf office	
820060300	2/1/2006	Retail Site Plan	<b>Concordia Phase 2</b> Retail for 87,878 sf commercial retail and 4.387 sf employment	
820060350	3/1/2006	Site Plan	Phase I <b>Adventist</b> Medical Campus Site Plan: 234,000 sf of medical office space	
820070140	2/13/2007	Resd. Site Plan	<b>Toll Brothers</b> Phase 1: 159 one-family detached and 60 one-family attached unites, including 24 MPDUs	
820100030	12/23/2010	Resd. Site Plan	<b>Toll Brothers</b> Phase 2: 174 one-family detached units and 65 one-family attached units 78 4-story multi-family units.	



APPROVED	
Overall	Pre- Application #7-20020420 Date: 09/27/2002
Overall	MXPD Zoning/DPA #G-806 Date: 09/09/2003
Overall	Preliminary Plan #1-20033110A Date:08/22/2004
Overall	Infrastructure Site Plan #8-2005015A Date:09/17/2007
Overall	Water Tower Mandatory Referral #08001-WSSC-1 Date: 04/03/2008
Overall	Preliminary Plan #1-20033110B Date:10/06/2008
Overall	Winchester- Phase 1 Site Plan #8-20060260 Date: 10/20/2008
Overall	SMTM/Gosnell Site Plan #8-20060240 Date:09/29/2010
APPROVED	

PENDING	
Overall	Cabin Branch Commons Residential Site Plan #8-20060180 Submitted: 10/01/2005
Overall	Cabin Branch Commons Retail Site Plan #8-20060300 Submitted: 02/01/2005
Overall	Adventist Medical Campus Site Plan #8-20060350 Submitted: 03/01/2005
Overall	Toll Brothers 1 Site Plan #8-20070140 Submitted: 02/13/2007
Overall	Toll Brothers 2 Site Plan #8-20100030 Submitted: 11/24/2009
Overall	Winchester- Phase 2 Site Plan #8-20110080 Submitted: 03/22/2011
Overall	Winchester- Phase 1 Site Plan Amendment #8-20080260A Submitted: 05/2011

FUTURE	
Overall	Winchester- Phase 3 Site Plan
Overall	Adventist Future Development
Overall	Adventist Senior Units
Overall	Win/Toll Border Site Plan Amendment

## ANALYSIS

### Relationship to the Master Plan

The plan proposed for the Cabin Branch Winchester Phase 1 site plan conforms substantially with the recommendations of the 1994 Clarksburg Master Plan.

The July 2011 Approved and Adopted Limited Amendment to the 1994 Master Plan (for retail staging) modifies the 1994 Master Plan provision that required 90,000 sq. ft. of retail space in the Town Center to occur prior to retail uses in the designated Newcut Road and Cabin Branch neighborhood village centers. The Amendment allows retail uses, having been approved with Preliminary Plans, in the two village centers, including Cabin Branch, to proceed at any time.

The subject plan applications for the amended Win 1 Site Plan and the Win 2 Site Plan, with a total of 780 residential units, are therefore, as demonstrated by the applicant's revised plan, are consistent with the recommendations of the approved master plan and overall density guidelines for the Cabin Branch neighborhood project. The overall plan will retain the:

- Variety and mix of land uses as approved
- Land uses and density limit totals as approved
- Required public use and community building components including a school
- Overall infrastructure and roadway development program included required ROW dedications
- Project Design Guidelines



Clarksburg Road/ MD Route 121 Arrival & Greenway

**Conformance with the Master Plan**

Mixed Use Neighborhood, Housing Density, and Unit Mix

The two concurrent Winchester site plans propose a total of 781 residential units within two Winchester phases of development. Restoration is proposed for the historic Byrne-Warfield house that occupies the center of the Winchester 1 Plan. A variety of housing types are distributed throughout the site, including three sizes of one-family detached units, several attached unit types, and the newly introduced unit type, the Urban Loft. The plan amendment for Winchester 1, proposes to eliminate the multi-family, 2-over-2 unit type, which affords greater compatibility in an attractive market mix of residential products across the site’s two zones. A rich variety of mixed uses anchor the neighborhood’s east side with housing, retail and employment, while the west side features major public amenities of the public school, the local parkland the community center and swimming pool.

The Master Plan recommends a housing density of 5-7 units per acre for the residential areas north of the Newcut Road extension. The residential density of Winchester I and II site plans, averaged over the proposed phases, is consistent with Master Plan recommendations.

- Win 1 MXPB Zone: 4.1 du/acre
- Win1 RMX-TDR1 Zone: 2.43 du/acre
- Win2 MXPB: 9.3 du/acre
- Win2 RMX-TDR1 Zone: 8.2 du/ac.

The residential unit mix recommended by the Master Plan is as follows:

	MP %	Win 1 %	Win 1 No.	Win 2 %	Win 2 No.
Sf detached	45 - 55	26.4%	117	31.3	107
Sf attached	35 – 45*	76.4%	323	68.7	234
Multi-Fam.	10 - 20		0		0
	Totals		440		340

Strong Neighborhood-Park Relationships

A major feature of the overall Cabin Branch plan is the significant internal greenway network that easily accessible with excellent visibility from the adjacent roadways and developed areas. The green way network connects directly to the east and west stream buffers.

The I-270 Technology Corridor

Following the master plan recommendations and the binding elements of the Development Plan, the land adjacent to I-270 is planned for employment uses. Employment uses in this location will be of major importance to the project and the future of Clarksburg.

Transit-Oriented Neighborhood Serving the Tech Corridor

The street pattern and hierarchy provides the basis for an easily navigable transportation system that supports transit use, bus links, and use of the existing MARC station and the future CCT station, both less than three miles away.

### Environmental Protection and Landscape Buffers

The plan proposed to protect the stream valleys with 100-175 foot buffers. Stormwater control, vaults and sand filters, are designed as small dry ponds distributed throughout the site, landscaped in native plants. Stormwater outfalls are excluded from the stream buffers, with rare exception. The landscaping proposed for the MD 121 frontage follows the Master Plan guidance to provide abundant foliage and compatible structures as a mediated transition to the more rural land uses. [See illustration, p.27.]

### **Development Standards: Regulatory Analysis** [See also: **Findings**]

The planning history of the Cabin Branch neighborhood, starting with the Master Plan adopted in 1994, has consistently considered the 535-acre site as a single entity, whose development, even with numerous property owners, is intended to achieve a unified, mixed-use community. The sequence of development approvals that followed the Development Plan, that is, the Preliminary Plan and the Site Infrastructure Plan continue to reinforce the concept of a single tract, irrespective of individual parcels. That the subsequent site plan submissions are drawn by parcel limits, not the tract, seemingly contradicts the rationale upon which the planning vision, and the foundation plans are based.



Numerous factors such as erodible soils, steep slopes, the size and locations of water quality and quantity controls, and limited areas of soils suitable for road construction, all constrain the developable area available for housing. However, in the MXPDP portion of the tract, it is the large expanse of the two stream valleys and their generous protective buffers flanking the center that create the statistically significant *weighted average* of open space that favors the land parcels in which the valleys are located--and, by inference, inversely affects the location and density of the housing yield on the remaining central parcels, bound as they are by the zone's required percentage of green space. In other words, preserving the sensitive eco-system through front-loading housing in the areas with soils most suited for transportation, requires a trade-off in the provision of the green space in the MXPDP zone.

Whereas the MXPDP zone requires 50% green space in residential areas, and 40% in commercial areas, the proposed sharing of green area, determined by the placement of the stream buffers is as follows:

Cabin Branch MXPDP Zone Tract Portion - Use	Acres	Green Area Required	%	Green Area Provided	Addl Green Area Reqd	Devel. Area Available	% DAA Reqd for Green Area
MXPDP Tract Area Gross Acreage	283.50 ac.						
Road Dedications	27.90 ac.						
<b>Residential Acreage</b> Win-1, Win-2, Toll, Concordia Resd.	68.50 ac.	35.30 ac.	50%	12.50 ac.			
<b>Commercial/Industrial</b> Adventist, Concordia Retail	187.10 ac.	74.8 ac.	40%	69.20 ac.*		117.90 ac.	
<b>Total Acreage</b>	283.50 ac.	109.10 ac.		81.70 ac.	<b>27.40 ac.</b>	117.90 ac.	<b>23.20%</b>

\* East Side Stream Valley Buffer

Such is the case for the area zoned MXPDP within the two concurrent site plans under this review: Winchester 1 and Winchester II. Here, the stream buffers lie within the Adventist and Cabin Branch Commons parcels that align the I-270 right-of way on the tract's eastern edge, while the Clarksburg Road frontage, the primary access point with structurally sufficient soils extending to the tract center, suggests housing. It is this complementary relationship that propels the proposed pattern of development for the Cabin Branch Neighborhood. This plan offers abundant areas of green space as averaged across the entire MXPDP zone area, with the 27.5-acre residential section shortfall provided from within the commercial area at a percentage of 23.30% of the available developable land. Thus, among the employment, commercial and residential areas: mixed-uses with a striking mix of green spaces.

It should be noted that, the "East Side," the RMX-TDR-1 section, provides ample green space, 57%, enhanced by the dedication of the schools and parks sites. [See the above chart.]

## Recreation Analysis

Recreational amenities proposed under the subject site plan exceed the requirements of the Recreation Guidelines. The quality and number of amenities proposed are substantial, both in quantity, quality, and location. Dispersed throughout the site, public open space provides formal greens: Merganser Court, the Wellspring Greenway, the Amphitheater, Tribute Park, the Secret Pathway, in addition to the Local Park and the Elementary School facilities. Winchester II will provide additional open space, while the Toll Brothers application is responsible for the Community Center and Pool.



Local Park and Fulmer Amphitheater



Wellspring Avenue

## Winchester I: Recreation Supply and Demand

CATEGORY	Tots	Children	Teens	Adults	Seniors
DEMAND	64	86	75	508	33
SUPPLY	77	110	137	602	107

Recreation Type		Tots D1	Children D2	Teens D3	Adults D4	Seniors D5
TOT LOT (TL)	<i>Tot Lot (0 - 4) Supply Values</i>	0	2	0	4	1
	<b>Total Number of Tot Lots Provided</b>	2	2	2	2	2
	# Tot Lot Provided - MNCPPC Park	1	1	1	1	1
	<b>Tot Lot Total Supply Value</b>	18	4	0	8	2
PLAY LOT (PL)	<i>Play Lot (2 - 10) Supply Values</i>	0	0	1	1	1
	<b>Total Play Lots Provided</b>	1	1	1	1	1
	Total Play Lots Provided - MNCPPC Park	1	1	1	1	1
	<b>Play Lot Total</b>	0	0	3	4	1
SITTING AREA (SE)	<i>Sitting Area Supply Values</i>	1	1	1.5	5	2
	<b>Total Sitting Areas Provided</b>	33	33	33	33	33
	# Sitting Provided - HGA	29	29	29	29	29
	# Sitting Provided - MNCPPC Park	4	4	4	4	4
	<b>Sitting Area Supply Total</b>	33	33	69.5	165	66
PICNIC AREA (PE)	<i>Picnic / Sitting Supply Values</i>	1	1	1.1	1	2
	<b>Total Picnic Areas Provided</b>	4	4	4	4	4
	# Picnic Provided - HGA	2	2	2	2	2
	# Picnic Provided - MNCPPC Park	2	2	2	2	2
	<b>Picnic Area Supply Total</b>	4	4	6	20	8

OPEN PLAY AREA 1 (OP1)	<i>Open Play Area I Supply Values</i>	0	0	1.2	10	2
	<b>Open Play Areas Provided</b>	1	1	1	1	1
	# Open Play Area I Provided - MNCPPC Park	1	1	1	1	1
	<b>Open Play Area I Total</b>	6	9	12	50	2
OPEN PLAY AREA 2 (OP2)	<i>Open Play Area II Supply Values</i>	1	4	4	10	1
	<b>Open Play Areas Provided</b>	1	1	1	1	1
	# Open Play Area II Provided - HGA	1	1	1	1	1
	<b>Open Play Area II Total</b>	5	4	4	10	1
FIELD - REGULATION (RF)	<i>Soccer Regulation Supply Values</i>	2	1.5	20	18	2
	<b>Soccer Regulation Provided</b>	1	1	1	1	1
	Soccer Regulation Provided - MNCPPC Park	1	1	1	1	1
	<b>Soccer Regulation Total</b>	2	1.5	20	40	2

BIKE SYSTEM (BS)	<i>Bike System Supply Values (Supply Values D1)</i>	0.03	0.1	0.23	0.23	0.1
	RFDH Bike System Provided	0.03	2.4	3.75	15.9	1.1
	RFDH Bike System Provided	0.7	1.9	3.45	19.05	1.3
	TH Bike System Provided	0.05	2.2	2.7	19.35	0.7
	<b>Bike System Total</b>	2.2	6.5	9.9	54.3	3.1
PEDESTRIAN SYSTEM (Community Wide) (PB)	<i>Pedestrian System Supply Values (Supply Values D1)</i>	0.1	0.2	0.2	0.45	0.23
	RFDH Pedestrian System Provided	1.3	4.8	5	47.1	4.95
	RFDH Pedestrian System Provided	1.4	3.8	4.6	57.15	5.85
	TH Pedestrian System Provided	1.7	4.4	3.6	30.05	3.15
	<b>Pedestrian System Total</b>	4.4	1.5	13.2	162.9	13.95
NATURE TRAIL SYSTEM (NT)	<i>Nature Trails Supply Values</i>	0.03	0.1	0.23	0.23	0.1
	RFDH Nature Trails Provided	0.05	2.4	3.75	15.9	1.1
	RFDH Nature Trails Provided	0.7	1.9	3.45	19.05	1.3
	TH Nature Trails Provided	0.05	2.2	2.7	19.35	1.05
	<b>Nature Trails Total</b>	2.2	6.5	9.9	54.3	4.1
NATURAL AREAS (NA)	<i>Natural Areas Supply Values</i>	0.03	0.1	0.23	0.23	0.1
	RFDH Natural Areas Provided	0.05	2.4	3.75	15.9	1.05
	RFDH Natural Areas Provided	0.7	1.9	3.45	19.05	1.3
	TH Natural Areas Provided	0.05	2.2	2.7	19.35	1.05
	<b>Natural Areas Total</b>	2.2	6.5	9.9	54.3	4.65
<b>Total Provided</b>		77	110.5	137.4	602.8	107.8
<b>Total Recreation Value Demand</b>		64,134	86,823	76,599	508,167	33,984
<b>Total Recreation Value Supplied</b>		77	110.5	137.4	602.8	107.8



## FINDINGS

- The Site Plan conforms to all non-illustrative elements of a development or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.

The proposed development, as conditioned, is consistent with Development Plan G-806, adopted September 9, 2003, with respect to land use, density, building locations, building height, and development staging as noted in the nine Binding Elements:

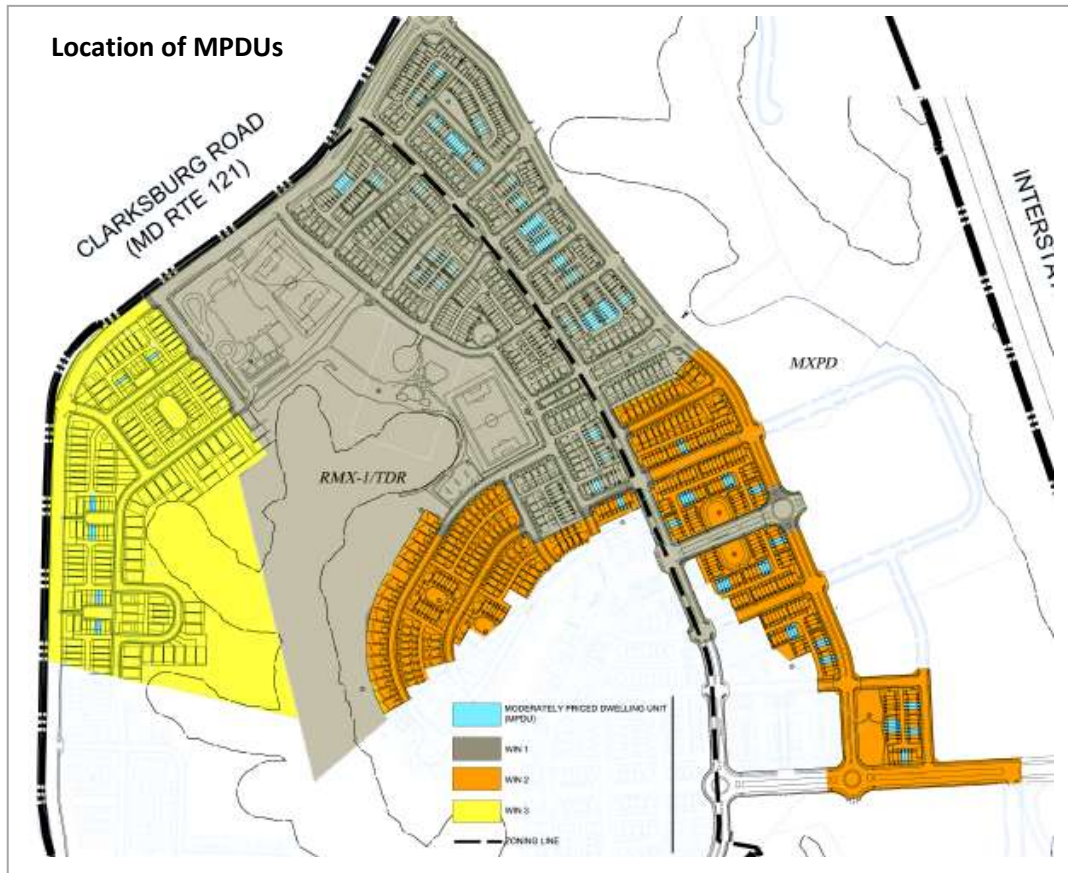
a. Transferable Development Rights and Moderately Priced Dwelling Units

The Property that is subject to this application (283.5 acres) is part of a larger, mixed-use community planned for 535 acres shown on the Development Plan, of which the Applicants are also owners. The portion of the property not being rezoned MXPd, is zoned RMX-1/TDR and will require purchase of Transferable Density Rights (TDR's) for the development planned by Applicants. Based on calculations developed with M-NCPPC staff, the total Master Plan residential density for the 535-acre community is 1,676 market rate units plus 210 Moderately Priced Dwelling Units. Assuming this density and the mix of unit types called for in the Master Plan for the entire Cabin Branch Neighborhood (including a maximum of 20% multi-family) the 535-acre project will require 635 TDR's. The Preliminary Plan of Subdivision application(s) for the MXPd area and the remaining RMX-1/TDR area shall require the purchase of TDR's in conformance with this calculation.

This application provides the required 70 MPDUs and 132 TDRs.

		PROPOSED MXPd ZONE (1)	PROPOSED RMX1/TDR ZONE (1)	TOTAL (1)
<b>MPDU UNITS</b>				
<b>SITE PLANS</b>	SMTM (GOSNELL) (#820060240) APPROVED 9/29/10	0	0	0
	<b>WINCHESTER PHASE 1 (#82006029A)</b>	<b>63</b>	<b>17</b>	<b>70</b>
	WINCHESTER PHASE 2 (#820110080)	39	2	41
	WINCHESTER PHASE 3 (FUTURE)	0	10	10
	TOLL BROTHERS PHASE 1 (#820070140)	0	27	27
	TOLL BROTHERS PHASE 2 (#820100030)	26	14	40
	CABIN BRANCH COMMONS- RESIDENTIAL (#820060180)	15	0	15
	CABIN BRANCH COMMONS -RETAIL (#820060300)	0	0	0
	ADVENTIST PHASE 1 (#820060350)	0	0	0
	ADVENTIST (FUTURE)	TBD	0	TBD
<b>PARTIAL SUBTOTAL</b>	<b>133</b>	<b>70</b>	<b>203</b>	
<b>PRELIMINARY PLAN</b>	PRELIMINARY PLAN (#12003110B) (236 UNITS+ 12.5% * 1886 UNITS)	<b>N/A</b>	<b>N/A</b>	<b>236</b>
<b>TDRS</b>				
<b>SITE PLANS</b>	SMTM (GOSNELL) (#820060240) APPROVED 9/29/10	0	0	0
	<b>WINCHESTER PHASE 1 (#82006029A)</b>	<b>0</b>	<b>132</b>	<b>132</b>
	WINCHESTER PHASE 2 (#820110080)	0	102	102
	WINCHESTER PHASE 3 (FUTURE)	0	TBD	0
	TOLL BROTHERS PHASE 1 (#820070140)	0	74	74
	TOLL BROTHERS PHASE 2 (#820100030)	0	93	93
	CABIN BRANCH COMMONS- RESIDENTIAL (#820060180)	0	0	0
	CABIN BRANCH COMMONS -RETAIL (#820060300)	0	0	0
	ADVENTIST PHASE 1 (#820060350)	0	0	0
	ADVENTIST (FUTURE)	0	0	TBD
<b>PARTIAL SUBTOTAL</b>	<b>0</b>	<b>401</b>	<b>401</b>	
<b>PRELIMINARY PLAN</b>	PRELIMINARY PLAN (#12003110B)	<b>N/A</b>	<b>N/A</b>	<b>609</b>

The number of MPDUs provided through Winchester I, Phase, exceeds requirements. This results in a greater concentration of MPDUs within the area developed as attached units within Phase i. However, the location and phasing of MPDUs hastens the availability and occupancy of affordable units.



b. Off-Site Amenities and Features

By the time of issuance of building permits for the 100th dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan for an elementary school, a local park and a recreation facility, the school site will be rough-graded at a time determined at the earliest Preliminary Plan of subdivision application for the Cabin Branch Community, subject to Montgomery County Public School approval.

As conditioned, the proposed plan conforms to the binding elements for off-site amenities and features. Thresholds for amenities and public facilities are as follows:

- 100<sup>th</sup> Building Permit: School site must be dedicated.
- 440<sup>th</sup> Building Permit: School site and Local Park must be rough graded, according to standards of MCPS and the Parks Department, respectively; Community Entrance features must be constructed.
- 650<sup>th</sup> Building Permit: Community center and pool building permit obtained. Local Park must be constructed (or concurrent with the adjacent homes, if first).

c. Trip Reduction Measures

*At the time of Preliminary Plan of Subdivision, the Applicant, M-NCPPC Transportation Planning staff, and Department of Public Works and Transportation (DPWT) staff will consider mutually acceptable trip reductions measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.*

Trip reduction goals were established during the preliminary plan approval. The Planning Board's approval of the Infrastructure Site Plan established the road hierarchy that accommodates underground utilities and stormwater management facilities. The plan proposed fulfills the transportation management goals iterated in the Preliminary Plan and the Infrastructure Site Plan. Specific street design, addressed within the subject site plan review, established the public parking supply, including the Local Park surface lot (60 spaces), and on-street parking (MXPD: 92 spaces, RMX: 233 spaces) throughout the Winchester I site plan, as approved by the Fire and Rescue Service.

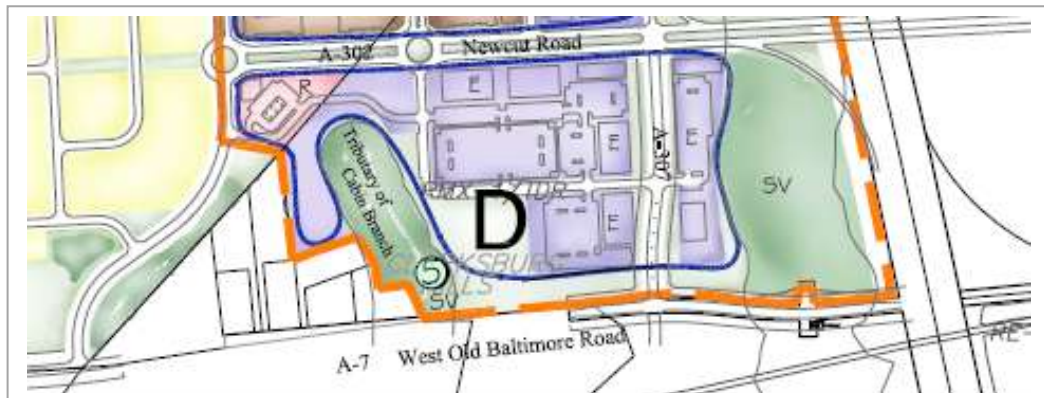
d. Street Network

*A network of public streets shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that, with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in the Road Hierarchy Plan of the Development Plan and that are subject to MNCPPC and DPWT approvals.*

The Applicant has provided a network of public streets in a grid pattern that defines scaled blocks typical of neo-traditional type of development. The street network is patterned to accommodate the following: negotiate significant grades, accommodate underground infrastructure, and create a cohesive relationship with public and private uses proposed in the Cabin Branch neighborhood. The public streets proposed are consistent with the Master Plan and hierarchy defined in the Development Plan. See also *Street Character* section, below.

e. Area D Street Network

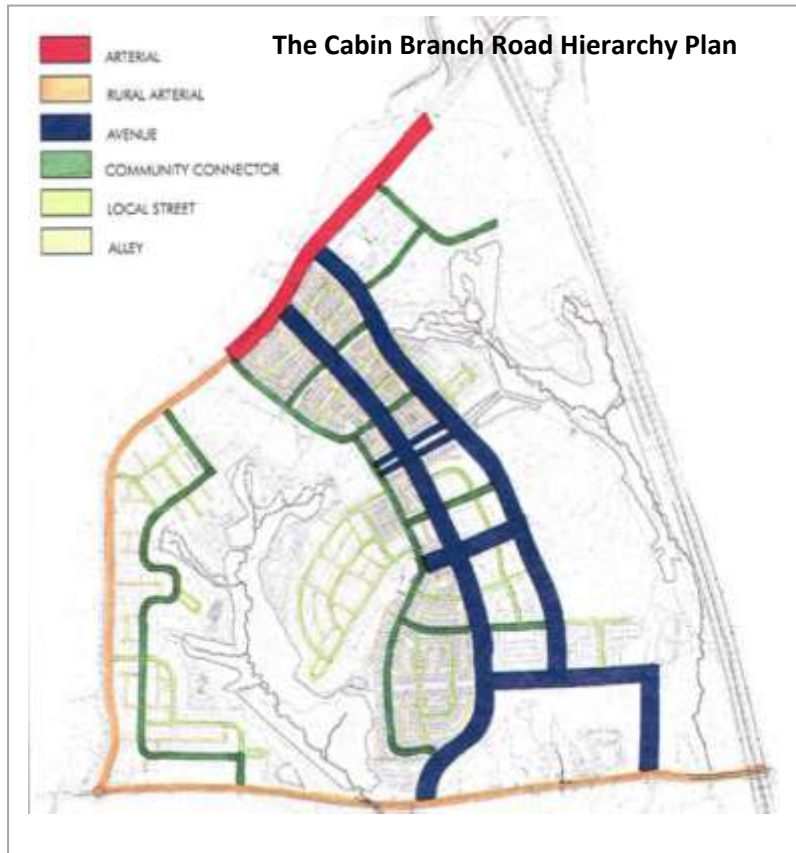
*Area D will be designed with a public or private street connecting First Avenue (Route A-304) in a grid pattern with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear.*



Area D, the area located between future A-302 (Newcut Road), Second Avenue and West Old Baltimore Road, at the southern site boundary, will be reviewed in more detail when the site plan for this portion of the site is submitted. Area D is not included in the subject application.

f. Street Character

All streets will adhere to a pedestrian-friendly design to the extent practical, which places particular emphasis on a building line to frame the street, with parking in the rear. Within the core, pedestrian friendly uses including retail or office will be located on the first floor. The entire MXPDP area will conform to a Cabin Branch Community Streetscape Plan that is designed to integrate the entire community, which will be submitted at Site Plan and is subject to MNCPPC and DPWT approvals.



The Road Hierarchy Plan, shown above, as part of the Preliminary Plan, established the framework, not only for transportation functions, but more importantly, for the neighborhood character, set the block pattern. That in turn, crafts the figure ground pattern, solid and void, that forms the scale and texture of the environment. The resulting linear routes, both the dominant longitudinals and their subordinate transverses, provide appropriately scaled pedestrian experiences that connect directly to the numerous public amenities located throughout the site.

g. Special Roads

A-307 will be designed as an open section arterial road with wide green edges to provide a gateway to Black Hill Regional Park, subject to MNCPPC and DPWT approvals. The rural

*character of West Old Baltimore Road will be maintained by minimizing environmental impacts and providing generous green edges.*

A-307 has been designed as an open-section 80-foot-wide arterial road with green edges that line up with the entrance to Black Hill Regional Park. West Old Baltimore Road was not reviewed with the Infrastructure Plan nor the subject site plan, in terms of impact to adjacent properties, including Black Hill Regional Park. The road is proposed as a two-lane arterial roadway with changes to vertical and horizontal alignment. The Applicant is required to submit a limited amendment and alternatives analysis to address impacts to adjacent properties including alignment, necessary easements, well and septic, clearing and grading, park boundaries, sight distance and a no-build option.

*h. Service/Public Uses*

*Service/Public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care or continuing care.*

This binding element does not apply to the subject site plan.

*i. On-street Parking*

*Applicants will include on-street parking on streets adjacent to retail facilities.*

See above, 1.C, *Trip Reduction Measures*, for discussion of residential areas on-street parking. The retail section of Cabin Branch (Area A on the Development Plan) is not included in the subject application.

- 
2. *The Site Plan meets all of the requirements of the RMX/TDR-1 zone and the MXP zones and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the MXP and RMX-1/TDR Zones as demonstrated in the two project Data Tables shown below. The subject site plan establishes the minimum setbacks and building restriction lines, maximum building heights and coverage requirements in terms of lot area, open space and green space for the respective zones.

It should be noted that because of the expansive area of stream valley buffers, protected by conservation easements, the green space requirement is calculated overall for the entire tract. The green space provided under Winchester I comprises 47% of the site plan boundary area. The difference must be accounted for under subsequent site plans.

See also: *Site Plan Findings*, page , and the following attachments:

- a. Overall Development Data, Cabin Branch
- b. Winchester 1, MXP Zone
- c. Winchester 1, RMX-TDR-1 Zone

## Overall Cabin Branch Development Data

SITE AREA- ACRES (+/-)		PROPOSED MXPD ZONE (1)	PROPOSED RMX1/TDR ZONE (1)	TOTAL (1)
SITE PLANS	SMTM (GOSNELL) (#820060240) APPROVED 9/29/10	7.24	0	7.24
	WATER TOWER MANDATORY REFERRAL (#08001-WSSC-1) APPROVED 4/3/2008	1.487	0	1.487
	<b>WINCHESTER PHASE 1 (#82006029A)</b>	<b>56.92</b>	<b>84.99</b>	<b>141.91</b>
	WINCHESTER PHASE 2 (#820110080)	25.1	13.1	38.2
	WINCHESTER PHASE 3 (FUTURE)	0	TBD	TBD
	TOLL BROTHERS PHASE 1 (#820070140)	1.06	56.23	57.29
	TOLL BROTHERS PHASE 2 (#820100030)	39.02	69.54	108.56
	CABIN BRANCH COMMONS- RESIDENTIAL (#820060180)	29.49	0	29.49
	CABIN BRANCH COMMONS -RETAIL (#820060300)	12.06	0	12.06
	ADVENTIST PHASE 1 (#820060350)	34.77	0	34.77
	ADVENTIST (FUTURE)	TBD	0	TBD
ADVENTIST SENIOR UNITS (FUTURE)	TBD	0	TBD	
<b>PARTIAL SUBTOTAL</b>	<b>207.147</b>	<b>223.86</b>	<b>431.007</b>	
<b>INFRASTRUCTURE SITE PLAN</b>	<b>283.50</b>	<b>251.54</b>	<b>535.04</b>	
<b>PRELIMINARY PLAN</b>	<b>283.50</b>	<b>251.54</b>	<b>535.04</b>	
<b>INFRASTRUCTURE SITE PLAN (#82005015A) APPROVED 9/17/2007</b>				
<b>PRELIMINARY PLAN (#12003110B)</b>				
<b>PRELIMINARY PLAN</b>		<b>283.50</b>	<b>251.54</b>	<b>535.04</b>

RESIDENTIAL DENSITY- DWELLING UNITS		PROPOSED MXPD ZONE (1)	PROPOSED RMX1/TDR ZONE (1)	TOTAL (1)
SITE PLANS	SMTM (GOSNELL) (#820060240) APPROVED 9/29/10	0	0	0
	<b>WINCHESTER PHASE 1 (#82006029A)</b>	<b>232</b>	<b>208</b>	<b>440</b>
	WINCHESTER PHASE 2 (#820110080)	234	107	341
	WINCHESTER PHASE 3 (FUTURE)	0	TBD	TBD
	TOLL BROTHERS PHASE 1 (#820070140)	0	216	216
	TOLL BROTHERS PHASE 2 (#820100030)	121	196	317
	CABIN BRANCH COMMONS- RESIDENTIAL (#820060180)	128	0	128
	CABIN BRANCH COMMONS -RETAIL (#820060300)	0	0	0
	ADVENTIST PHASE 1 (#820060350)	0	0	0
	ADVENTIST (FUTURE)	TBD	0	TBD
	<b>PARTIAL SUBTOTAL</b>	<b>715</b>	<b>727</b>	<b>1442</b>
<b>PRELIMINARY PLAN</b>	<b>1026(1)</b>	<b>860(1)</b>	<b>1886</b>	
<b>PRELIMINARY PLAN (#12003110B)</b>				
<b>PRELIMINARY PLAN</b>		<b>1026(1)</b>	<b>860(1)</b>	<b>1886</b>

GREEN AREA- ACRES (2)		PROPOSED MXPD ZONE (1)	PROPOSED RMX1/TDR ZONE (1)	TOTAL (1)
SITE PLANS	SMTM (GOSNELL) (#820060240) APPROVED 9/29/10	2.49	0	2.49
	<b>WINCHESTER PHASE 1 (#82006029A)</b>	<b>12.3</b>	<b>54.09</b>	<b>66.39</b>
	WINCHESTER PHASE 2 (#820110080)	5.5	2.9	8.4
	WINCHESTER PHASE 3 (FUTURE)	0	TBD	TBD
	TOLL BROTHERS PHASE 1 (#820070140)	0	27.99	27.99
	TOLL BROTHERS PHASE 2 (#820100030)	4.52	46.52	51.04
	CABIN BRANCH COMMONS- RESIDENTIAL (#820060180)	22.13	0	22.13
	CABIN BRANCH COMMONS -RETAIL (#820060300)	2.07	0	2.07
	ADVENTIST PHASE 1 (#820060350)	23.8	0	23.8
	ADVENTIST (FUTURE)	TBD	0	TBD
	ADVENTIST SENIOR UNITS (FUTURE)	TBD	0	TBD
<b>PARTIAL SUBTOTAL</b>	<b>TBD</b>	<b>TBD</b>	<b>TBD</b>	
<b>PRELIMINARY PLAN</b>	<b>283.50</b>	<b>251.54</b>	<b>535.04</b>	
<b>PRELIMINARY PLAN (#12003110B)</b>				
<b>PRELIMINARY PLAN</b>		<b>283.50</b>	<b>251.54</b>	<b>535.04</b>

# Winchester 1: RMX-TDR-1 Zone Development Standards



Lot/Tract and Residential Density		MASTER PLAN ZONING	PRELIMINARY PLAN (1)	PREVIOUS APPROVED SITE PLAN	PROPOSED
RMX-TDR ZONE	DEVELOPMENT DATA STANDARD METHOD	MASTER PLAN ZONING	PRELIMINARY PLAN (1)	PREVIOUS APPROVED SITE PLAN	PROPOSED WINCHESTER-PHASE I
§59-C-1.39	<b>LOT AND TRACT AREA</b>				
	GROSS TRACT AREA	251.8 AC.±†		84.99	84.99 AC. ±▲
	NET AREA FOR RESIDENTIAL USE -AC.		N/A		37.96 AC. ±▲
	NET AREA FOR RESIDENTIAL USE -(SF)		N/A		(1,653,537 SF ±▲)
	DEDICATION - PUBLIC ROADS- AC.		N/A		12.57 AC. ±▲
	DEDICATION - PRIVATE ROADS- AC.		N/A		1.98 AC. ±▲
§59-C-1.332 & §59-C-1.395	<b>RESIDENTIAL DENSITY (1)</b>				
	NUMBER OF DWELLING DU FOR SITE > 30 AC.	3 + DU	3.22 DU/AC.+ (1)	2.24 DU/AC	2.43± DU/AC. ▲
	TOTAL NUMBER DWELLING DU THIS APPLICATION		N/A	190 DU	207 DU▲
	DWELLING DU THIS APPLICATION AS % OF TOTAL 1,886		N/A		11.0% ± (207 DU/1886 DU) ▲
	ONE-FAMILY DETACHED (SF)				
	ONE-FAMILY DETACHED DU/AC.		N/A		AC.)▲
	ONE-FAMILY DETACHED % OF ALL DU THIS APPLICATION		N/A		40.0% ± (83 DU/207 DU)▲
	ONE-FAMILY ATTACHED (TH)				
ONE-FAMILY ATTACHED DU/AC.		N/A		AC.)▲	
ONE-FAMILY ATTACHED % OF ALL DU THIS APPLICATION		N/A		59.9% ± (124 DU/207 DU)▲	

## Building Setbacks & Height, Parking, Green Area

§59-C-1.394(b)	SETBACKS	MIN.					
§59-C-1.395	<b>ONE-FAMILY DETACHED (SF)</b>						
	FRONT	MIN.		10'	10'	10'	
	REAR	MIN.		0'	0'	0'	
	SIDE (STREET SIDE)	MIN.		10'	10'	10'	
	SIDE (INTERIOR LOT)	MIN.		3'	3'	3'	
	SIDE (ALLEY)	MIN.		3'	3'	3'	
	R/W TRUNCATION	MIN.		0'	0'	0'	
	<b>ONE-FAMILY ATTACHED (TH)</b>						
	FRONT	MIN.		10'	10'	10'	
	REAR	MIN.		0'	0'	0'	
§59-C-1.395	<b>BUILDING HEIGHT (1) (3)</b>	MAX.					
	MAIN BUILDING - FEET	MAX.		N/A	SFD & SFA 50 FEET	50 FEET MAX.+ (3)	
	MAIN BUILDING - STORIES	MAX.		4 STORIES MAX.+	2/2 (mf) 65 FEET	4 STORIES MAX.+ (3)	
	§59-E	<b>OFF-STREET PARKING PER §59-E</b>					
	§59-E-2.2	SIZE	MIN.	8.5'x18'		8.5'x18'	
	§59-E-3.7	PARKING - ONE-FAMILY DETACHED SPACE PER UNIT	MIN.	/DU =166 ▲		368 REQUIRED	N/A ▲ (4)
		PARKING - ONE-FAMILY ATTACHED SPACE PER UNIT	MIN.	/DU =248 ▲			N/A ▲ (4)
	§59-C-1.395	<b>GREEN AREA (7)</b>					
		RESIDENTIAL PORTION	MIN.	35%			
		MNCPPC PARK			N/A	30.5 AC.	32.65 AC. ±▲ (7)
MCPS SCHOOL					10.07 AC.	10.07 AC. ±▲ (7)	
HOA (PARK)					9.61 AC.	9.61 AC. ±▲ (7)	
					1.86 AC.	1.76 AC. ±▲ (7)	

### Winchester 1: RMX-TDR - Notes for Data

(2) DENSITY MUST NOT EXCEED MASTER PLAN RECOMMENDATIONS AS DELINEATED IN THE DEVELOPMENT PLAN. PER APPROVED PRELIMINARY PLAN 1203110B AND SUBJECT TO CHANGE PER CONDITION #21 WHICH STATES "FINAL APPROVAL OF THE NUMBER AND LOCATIONS OF THE BUILDINGS, DWELLING UNITS, ON-SITE PARKING, SITE CIRCULATION, SIDEWALKS AND BIKE PATHS WILL BE DETERMINED AT SITE PLAN."
(2) (b) NO BUILDING OTHER THAN ONE-FAMILY DETACHED DWELLINGS SHALL BE CONSTRUCTED WITHIN 100 FEET OF ADJOINING PROPERTY THAT IS DEVELOPED WITH ONE-FAMILY DETACHED HOMES. (b)(NO BUILDING PROPOSED FOR COMMERCIAL/INDUSTRIAL USE SHALL BE CONSTRUCTED LESS THAN 100 FEET FROM ANY ADJOINING PROPERTY RECOMMENDED FOR RESIDENTIAL ZONING AND LAND USE ON THE APPLICABLE MASTER PLAN.
(3) BUILDING HEIGHTS AS DEFINED BY THE ZONING ORDINANCE (SEC. 59-A-2.1) WILL BE DETERMINED AT TIME OF BUILDING PERMIT. FINAL BUILDING HEIGHTS WILL CONFORM TO THE REQUIREMENTS SET FORTH IN THE PRELIMINARY AND DEVELOPMENT PLANS, AND WILL NOT BE HIGHER THAN THE MAXIMUM HEIGHT NOTED ABOVE.
(4) OFF STREET PARKING= 409 GARAGE SPACES + 300 TANDEM SPACES.
(5) PUBLIC ON-STREET PARKING IS BEING PROVIDED IN ADDITION TO THE PARKING THAT IS REQUIRED BY SECTION 59-E OF THE ZONING ORDINANCE. SEE THE FIRE AND RESCUE PLAN FOR TOTAL ON-STREET PARKING SPACES PROVIDED.
(6) DUE TO THE NATURE OF THE MXPD ZONE IN THE CODE, GREEN SPACE AVERAGE VARIES BASED ON THE DEFINED AREAS OF "RESIDENTIAL" AND "COMMERCIAL" WITHIN THE MXPD PORTION OF THE SITE. A BLENDED 45% MAXIMUM GREEN AREA REQUIRED FOR BOTH THE RESIDENTIAL & COMMERCIAL ZONE WAS APPROVED AT TIME OF PRELIMINARY PLAN.
(7) SEE OVERALL GREENSPACE EXHIBIT FOR CALCULATIONS THAT SHOW HOW GREENSPACE REQUIREMENTS ARE MET IN EACH ZONE FOR OVERALL 535.04 ACRE SITE.
* NUMBER OR PERCENT FOR TOTAL 535.04 ACRESITE
▲ PARTIAL CALCULATION FOR THIS PORTION OF THE WINCHESTER- PHASE 2 SITE PLAN. SEE OVERALL TRACKING CHART FOR FULL PROJECT AND SITE PLAN CALCULATION(S).

### Winchester 1 Development Standards: MXPD Zone



Lot/Tract and Density Data			MASTER PLAN ZONING	PRELIMINARY PLAN (1)	PREVIOUS APPROVED SITE PLAN	PROPOSED	
MXPD ZONE (1)	DEVELOPMENT DATA STANDARD METHOD		MXPD STANDARD	MASTER PLAN ZONING	PRELIMINARY PLAN (1)	PREVIOUSLY APPROVED SITE PLAN	PROPOSED WINCHESTER- PHASE 1
§59-C-7.51	LOT AND TRACT AREA	MIN.					
	GROSS TRACT AREA		20 AC.†	283.5 AC.±†		56.42	56.92 AC. ±▲
	NET AREA FOR RESIDENTIAL USE -AC.				N/A		32.86 AC. ±▲
	NET AREA FOR RESIDENTIAL USE -(SF)				N/A		(1,431,381 SF ±▲)
	DEDICATION - PUBLIC ROADS- AC.				N/A		20.54 AC. ±▲
	DEDICATION - PRIVATE ROADS- AC.				N/A		1.75 AC. ±▲
	DEDICATION - PUBLIC HOA AREAS - AC.				N/A		2.53 AC. ±▲
	NET AREA FOR COMMERCIAL USE				N/A		N/A
§59-C-7.54	COMMERCIAL/INDUSTRIAL DENSITY	MAX.	0.75 FAR†		0.3 FAR†		N/A
	COMMERCIAL/INDUSTRIAL PER MASTER PLAN	MAX.		2,300,000 SF†			N/A
§59-C-7.52(b)(2)	RETAIL COMMERCIAL % OF GROSS COMMERCIAL	MAX.	20%†	120,000 SF†			N/A
§59-C-7.53	RESIDENTIAL DENSITY (1)						
§59-C-7.5(a)(4)	RESIDENTIAL EXCLUSIVE AREA LIMITATIONS	MAX.	40% TRACT†		N/A		N/A
§59-C-7.53(a)	RESIDENTIAL DENSITY IN RESIDENTIAL AREA	MAX.	44 DU/AC†		10.5 DU/AC.† (1)	4.2 DU/AC.	4.1± DU/AC.▲
	RESIDENTIAL DENSITY IN COMMERCIAL AREA	MAX.	0.75 DU/AC.†		N/A		N/A
	TOTAL NUMBER DWELLING DUS THIS APPLICATION				N/A	238 DUS	232 DUS▲
	DWELLING DUS THIS APPLICATION AS % OF TOTAL 1,886				N/A		12.3% ± (232 DUS/1886 DUS)▲
	ONE-FAMILY DETACHED (SF)						0.6 DU/AC ± (33 DUS/56.92 AC.)▲
	ONE-FAMILY DETACHED DU/AC.				N/A		1.7% ± (33 DUS/1886 DUS)▲
	ONE-FAMILY DETACHED % OF ALL DUS THIS APPLICATION				N/A		
	ONE-FAMILY ATTACHED (TH)						3.5 DU/AC ± (199 DUS/56.92 AC.)▲
	ONE-FAMILY ATTACHED DU/AC.				N/A		
	ONE-FAMILY ATTACHED % OF ALL DUS THIS APPLICATION				N/A		10.5% ± (199 DUS/1886 DUS)▲



### Building Setbacks & Height

§59-C-7.55	SETBACKS	MIN.				
	FROM RESIDENTIAL ZONING OTHER THAN ONE-FAMILY DETACHED BUILDINGS (2) <sup>1</sup>	MIN.	100 FT		N/A	N/A
	ONE-FAMILY DETACHED (SF)					
	FRONT	MIN.			10'	10'
	REAR	MIN.			0'	0'
	SIDE (STREET SIDE)	MIN.			10'	10'
	SIDE (INTERIOR LOT)	MIN.			3'	3'
	SIDE (ALLEY)	MIN.			3'	3'
	R/W TRUNCATION	MIN.			0'	0'
	ONE-FAMILY ATTACHED (TH)					
	FRONT	MIN.			10'	10'
	REAR	MIN.			0'	0'
	SIDE (STREET SIDE)	MIN.			10'	10'
	SIDE (INTERIOR LOT)	MIN.			3'	3'
	SIDE (ALLEY)	MIN.			3'	3'
	R/W TRUNCATION	MIN.			0'	0'
§59-C-7.55(c)	BUILDING HEIGHT (3)	MAX.				
	(b) HEIGHT TO SETBACK RATIO	MIN.			N/A	N/A
	RESIDENTIAL STRUCTURES- FT	MAX.			N/A	SFD & SFA 50 FT
	RESIDENTIAL STRUCTURES- STORIES	MAX.			4 STORIES MAX.†	2/2 (MF) 65 FT
						50 FT+ (3)
						4 STORIES† (3)

### Parking, Green Area, and Public Amenities

§59-C-7.58	OFF-STREET PARKING PER §59-E					
§59-E-2.2	SIZE	MIN.	8.5' x 18'			8.5' x 18'
§59-E-3.7	PARKING - ONE-FAMILY DETACHED PER DU	MIN.	2 /DU =66 SPACES▲		449 REQUIRED	N/A ▲ (4)
	PARKING - ONE-FAMILY ATTACHED PER DU	MIN.	2 /DU =398 SPACES▲			N/A ▲ (4)
	CARRIAGE HOUSE	MIN.	1 ADDL/LOT▲			TBD IN FUTURE
	PARKING - OFF STREET			N/A	646 PROVIDED	709 SPACES ±▲ (4)
	PARKING - ON STREET			N/A		SEE FIRE & RESCUE PLAN (5)
	PARKING - VISITOR			N/A		0 SPACES ±▲
	PARKING - BIKES			N/A		0 SPACES ±▲
§59-C-7.56	GREEN AREA <sup>7</sup>					
	RESIDENTIAL PORTION	MIN.	50%†	45%† (6)	10.71	12.3 AC. ±▲ (7)
	COMMERCIAL PORTION	MIN.	40%†	45%† (6)		NA
	TOTAL GREENSPACE REQUIRED IN MXPD ZONE			45%† (6)		12.3 AC. ±▲ (7)
§59-C-7.57	PUBLIC FACILITIES & UTILITIES					
	PUBLIC SCHOOL - ACREAGE			N/A		NA
	PUBLIC PARKLAND - ACREAGE			N/A		NA
	PUBLIC AMENITIES - PRIVATE OWNERSHIP - ACREAGE			N/A	N/A	2.53 AC. ±▲

### Winchester 1: MXPD - Notes for Data

(1) DENSITY MUST NOT EXCEED MASTER PLAN RECOMMENDATIONS AS DELINEATED IN THE DEVELOPMENT PLAN. PER APPROVED PRELIMINARY PLAN 12003110B AND SUBJECT TO CHANGE PER CONDITION #21 WHICH STATES "FINAL APPROVAL OF THE NUMBER AND LOCATIONS OF THE BUILDINGS, DWELLING DUS, ON-SITE PARKING, SITE CIRCULATION, SIDEWALKS AND BIKE PATHS WILL BE DETERMINED AT SITE PLAN."
(2) (a) NO BUILDING OTHER THAN ONE-FAMILY DETACHED DWELLINGS SHALL BE CONSTRUCTED WITHIN 100 FT OF ADJOINING PROPERTY THAT IS DEVELOPED WITH ONE-FAMILY DETACHED HOMES. (b)NO BUILDING PROPOSED FOR COMMERCIAL/INDUSTRIAL USE SHALL BE CONSTRUCTED LESS THAN 100 FT FROM ANY ADJOINING PROPERTY RECOMMENDED FOR RESIDENTIAL ZONING AND LAND USE ON THE APPLICABLE MASTER PLAN.
(3) BUILDING HEIGHTS AS DEFINED BY THE ZONING ORDINANCE (SEC. 59-A-2.1) WILL BE DETERMINED AT TIME OF BUILDING PERMIT. FINAL BUILDING HEIGHTS WILL CONFORM TO THE REQUIREMENTS SET FORTH IN THE PRELIMINARY AND DEVELOPMENT PLANS, AND WILL NOT BE HIGHER THAN THE MAXIMUM HEIGHT NOTED ABOVE.
(4) OFF STREET PARKING= 409 GARAGE SPACES + 300 TANDEM SPACES.
(5) PUBLIC ON-STREET PARKING IS BEING PROVIDED IN ADDITION TO THE PARKING THAT IS REQUIRED BY SECTION 59-E OF THE ZONING ORDINANCE. SEE THE FIRE AND RESCUE PLAN FOR TOTAL ON-STREET PARKING SPACES PROVIDED.
(6) DUE TO THE NATURE OF THE MXPD ZONE IN THE CODE, GREEN SPACE AVERAGE VARIES BASED ON THE DEFINED AREAS OF "RESIDENTIAL" AND "COMMERCIAL" WITHIN THE MXPD PORTION OF THE SITE. A BLENDED 45% MAXIMUM GREEN AREA REQUIRED FOR BOTH THE RESIDENTIAL & COMMERCIAL ZONE WAS APPROVED AT TIME OF PRELIMINARY PLAN.
(7) SEE OVERALL GREENSPACE EXHIBIT FOR CALCULATIONS THAT SHOW HOW GREENSPACE REQUIREMENTS ARE MET IN EACH ZONE FOR OVERALL 535.04 ACRE SITE.
† NUMBER OR PERCENT FOR TOTAL 535.04 AC.ITE
▲ PARTIAL CALCULATION FOR THIS PORTION OF THE WINCHESTER- PHASE 2 SITE PLAN. SEE OVERALL TRACKING CHART FOR FULL PROJECT AND SITE PLAN CALCULATION(S).

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The development form established with the Road Hierarchy Plan, approved as part of the Preliminary Plan, and engineered through the Infrastructure Site Plan, clearly defines the block pattern, and forms the basis of the neighborhood texture, broadly grained in the retail and commercial areas, and varied, yet finely grained for the residential lots that largely comprise this site plan. The buildings hold the street firmly, rigidly in some places, creating a consistent building line from block-to-block that shapes the street view, organizes the public realm, and provides direct pedestrian and vehicular axes, north and south, east and west. The resulting tapestry is further refined by variation in lots sizes augmented by an ensemble of housing types that offer a range of footprints, widths, and exterior architectural features—elements that are critical to achieving spatial variety and relief at level of density proposed. This density, with tightly spaced houses, create close-knit blocks that rely enormously on the public realm, that is, the scale and furnishings of the streets, and more importantly, the proximity and quality of the public use space.

Further complexity in the fundamental planning of the housing blocks is met with grading and slope issues, challenging the placement of underground utilities and stormwater management facilities into the desired “tapestry.” It is essentially an iterative process, back-and-forth, engineering and architecture, function and aesthetics, that arrives at the solution for a site such as Cabin Branch. The challenge, essentially, is finding a housing solution from the repertoire of American production housing, suitable for insertion into the topography of rolling hills. It is a problem that begs for a small-scale, incremental approach, one not typically present in the large-scale developer’s armamentarium.

The necessity of retaining walls, amidst the rolling topography, is assumed, and the charge of reducing the use of retaining walls is considerable for this site. Nevertheless, this applicant has mitigated the use of numerous retaining walls through tight, fine-scaled engineering and grading, skillful lot line and building locations, and perhaps, most significantly, through the design of a new unit type, The Urban Loft. This attached unit, whose placement on the lot varies, attaches sideways to its neighbor if necessary, offering flexibility in lot size, orientation, and footprint, while at the same time, negotiating the grade with surprising success in this plan. This plan application does not achieve the Master Plan recommendation for unit mix: 45% minimum one-family detached, 35-45% one-family attached; the proposal offers 26.4% and 74.4%, respectively, relying on future phases of development to achieve the Master Plan balance. Given the environmental constraints, the urgency of sustainable housing design, and future scarcity of building materials, a wise consideration would entertain the greater use of attached housing, and the development of innovative unit types for this tract.

It is the vision and understanding of the 1994 Clarksburg Master Plan that underpins all, establishing the amenities, environmental goals, transportation, historic preservation of the Bryne Warfield House and setting, with substantial housing needs, which are met, with accuracy

in the Development Plan and its subsequent approvals and provide adequate, safe and efficient building locations.

b. Open Spaces

The strength of the plan with respect to open space rests in the dramatic contrast between the “built and unbuilt,” and the strategic, connective links between the wide, organic stream buffers and formal, tailored parks. That the two stream buffers, east and west, are linked by the formal, terraced sculpture garden, Tribute Park, illustrates the design potential of this planned community in a unique natural setting. The disposition of major public open spaces, for each “neighborhood,” provides critical amenities for a housing pattern dense in character, while providing large open spaces useful for un-programmed as well as programmed activities. More importantly, the strategic placement of the open spaces and amenities serve to anchor the relationship between solid and void, create public destinations, provide effective site navigation, and offer a large variety of activity, both active and passive.

The “west side,” visible from Clarksburg Road and “through the site” via Tribute Parkway and Wellspring Greenway, offers a unique amalgamation of recreational amenities: the public school and its playing fields, the historic Bryne Warfield House and play field, and the Local Park, fitted with a soccer field, playground and tot lot. The placement of these amenities offered, via travel along the curving Bryne Park Road, offers views of the stream valley, ending with the arrival at the Community Center Site, that forms the “lynchpin” of the site, anchoring the west side, relating to the east side, topologically significant in its elevation. Planning staff recommends that the applicant provide community garden space within the development, either on HOA land or Parkland for cultivation of food sources.





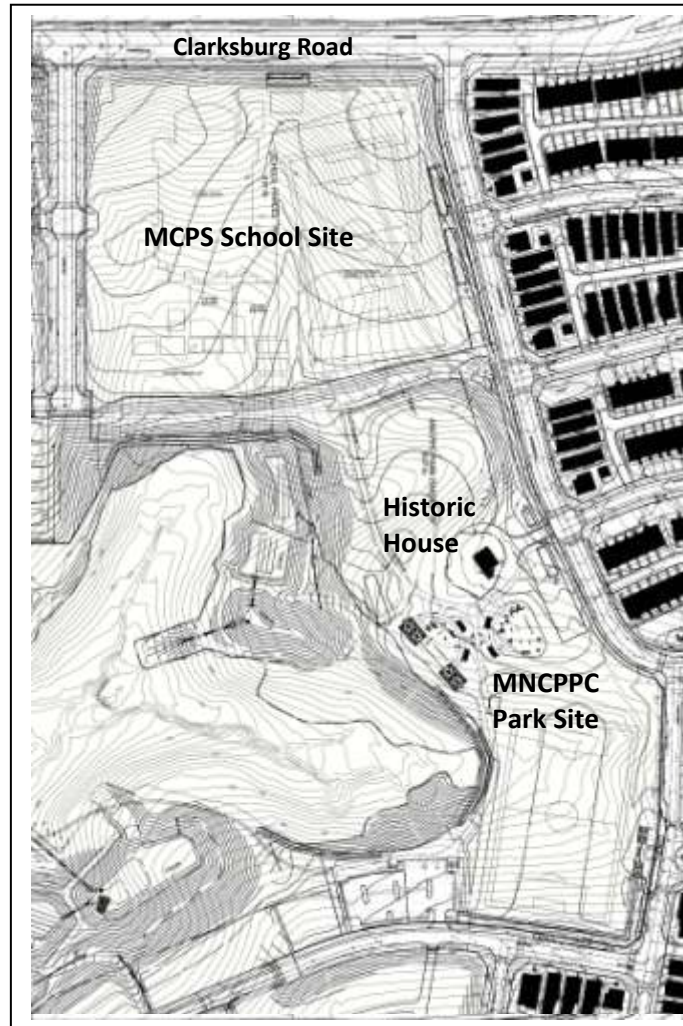
c. Landscaping and Lighting

Landscaping and lighting consists of a varying treatment within the public rights-of-way, as outlined in the Cabin Branch Design Guidelines. Staff has recommended that power supplies, lighting and furnishings be provided to support public events, such as concerts and films, for the major public spaces, Merganser Court, Wellspring Greenway and The Amphitheater. The plan proposes a variety of themed lighting fixtures, in larger and smaller heights, scaled to the proportions of the spaces.

d. Recreation Facilities

As envisioned in the Master Plan, abundant recreation amenities are offered, both through the extensive natural areas of the stream buffers, and the programmed fields at the public school and the Local Park, the playgrounds and tot lot planned for parks construction. The pedestrian and bicycle systems cover the entire site, allowing safe and efficient connective links between the amenities located throughout the development.

The trail system, within the stream buffers, ties directly to the sidewalk and bike paths. The location and types of recreational facilities are well dispersed, easily and safely accessible. Proposed Park facilities, built to Parks standards, are safe, adequate and efficient, as are the open play areas in the residential sections of the site.



e. Vehicular and Pedestrian Circulation

Vehicular and Pedestrian circulation is adequate, safe and efficient throughout the entire site.

The primary access points to the site are from multiple locations along MD 121 (Clarksburg Road), West Old Baltimore Road and future Little Seneca Parkway (A-302). The State Highway Administration

proposed intersection improvements at I-270 with Clarksburg Road and Little Seneca Parkway. Two roundabouts are proposed on Clarksburg Road at the first intersection (Street A) that provides primary access to the Gosnell tract to the north, and Adventist Healthcare and the retail section to the south. The second roundabout on Clarksburg Road is located at the intersection with 1st Avenue (Cabin Branch Avenue), which is the primary route to the retail center and a major spine within the community that connects to Little Seneca Parkway. Two internal roundabouts are proposed on Little Seneca Parkway at the intersections with 1st and 2nd Avenues.

Second Avenue is an arterial road and is the primary spine within the community that connects Clarksburg Road and West Old Baltimore Road. Two additional important access points to the site include Street G (Bryne Park Drive), which follows the eastern boundary of the school and park site and Street Z, which is the primary access to the school. Street Z also provides access to a future residential portion of the development that includes primarily one-family detached and attached housing.

The overall Cabin Branch neighborhood will contain an eight-foot-wide shared use path (Class I bikeway) on the external boundaries of the site, including the north side of West Old Baltimore Road, that connects and continues to the east side to connect with the bike paths for the Summerfield Crossing (8-03034) and Martens (8-02039) developments. The bike path on West Old Baltimore Road connects with the bike path on the east side of Clarksburg Road (MD 121). This path terminates at the future interchange for I-270. Internally, the 8-foot-wide bike path follows Street Z on the west side of the proposed school site, and bifurcates the school and park site to connect with the alignment on Street G. The path follows the west side of Street G and H and the north side of Street P to finally connect to the proposed bike path on Little Seneca Parkway.

Five-foot-wide internal sidewalks will also be provided for all of the public streets to facilitate pedestrian circulation throughout the development.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The Winchester I plan proposed by this application represents the first residential property development within the Cabin Branch Neighborhood. Previously approved by the Planning Board in 2008, the current amendment proposes several changes that increase compatibility: elimination of the Multi-family 2-over-2 unit type, an increase in green space for this site plan, a new unit type, the Urban Loft, built into the grade eliminating many of the retaining walls seen in the previous plan. Furthermore, the development standards, set at site plan for building setbacks and height are uniform across the two zones, MXPDP and RMX/TDR-1, creating the basis for a more cohesive future context. The context of the proposed plan is highly compatible in its relationship to Winchester II, the public amenities (the school and the park), the future Community Center, and the variety of public open spaces that create a unified greenway system. Issues outstanding with respect to context and compatibility concern the future resolution of the residential unit mix and providing greater than 50% green space in future phases to meet the requirements of the zoning ordinance.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

As part of the requirements of the Special Protection Area Law, a SPA Water Quality Plan should be reviewed in conjunction with a preliminary plan of subdivision or Site Plan. Under the provision of the law, the Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of a water quality plan.

The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied. Planning staff finds that the proposed plan, as conditioned for the SPA Water Quality Plan, meets all requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection and any other applicable law.

### **Forest Conservation**

The entire 540-acre Cabin Branch project has an overall Final Forest Conservation Plan (FCP) which was approved with the Cabin Branch infrastructure site plan (820050150). The intention of having one overall Forest Conservation Plan was to ensure that as this multi-year project being developed in pieces would not be left uncovered by a FCP and the whole project would be in compliance with Chapter 22A the Montgomery County Forest Conservation Law. The original Final FCP was designed to allow for the mass grading and installation of roads, utilities, and mass grading of public amenities such as school and park sites.

The overall FCP includes six worksheets separated by zone or land use, MXPB-Employment, RMX-1/TDR, MXPB-Residential, Water Tower Storage Facility, Linthicum West, and offsite Area A. The intention was that as each individual site plan with final grading and design came in for review, the overall FCP and the worksheets associated with that site plan would be updated to reflect final designs and grading. The overall FCP indicates that the applicant will meet the forest conservation worksheet requirements through a combination of on-site forest retention, onsite planting of unforested stream buffers, landscape credit, and offsite planting within the Clarksburg SPA.

Under the M-NCPPC implementation of the Special Protection regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. Since the property includes land both in and out of the SPA and the tributaries drain to a common water body, Staff believes it is appropriate to treat the planting requirements as if the entire site is located within the Clarksburg SPA. Therefore, Staff recommends conditions on the forest conservation plan that require the applicant to plant the stream buffers in accordance with the final forest conservation plan planting phasing plan (sheet 63A) and that the applicant provides a five-year maintenance period for all planting areas credited toward the forest conservation plan.

The Planting Phasing Plan was designed to establish easements and forest planting for the entire Cabin Branch project, while taking into consideration that it will be a multi-year phased development with multiple site plans for individual sections. The Planting Phasing Plan looked at the overall project and each

individual site plan in terms of both size (proportion) of the overall project and the percentage of total units for each phase.

### **Environmental Guidelines**

The NRI/FSDs for the various properties, which make up the Cabin Branch neighborhood, are included in the final FCP and were used to identify the environmental buffers. Environmental buffers include wetlands and wetland buffers, floodplains, streams and stream buffers. As part of the Environmental Guidelines, the unforested stream buffer within the SPA must be reforested. The applicant will place forest conservation easements on the environmental buffers and all forest retention areas.

### Stream Buffer Encroachments

This application is in general conformance with the Environmental Guidelines. The only encroachments into the environmental buffers associated with this plan are the necessary stormwater management conveyance outfalls and natural surface trails. However, Staff has experienced issues on other plans over requests for encroachment of stormwater management facilities and temporary sediment control traps into stream buffers after the approved water quality/stormwater management concept plans had indicated no need for encroachment. This problem seems to emanate from the existing process, whereby the final design of stormwater management facilities does not occur until after preliminary/site plans are approved and often after plats are approved which establish the easements.

If at the time of final design it is determined that the stormwater facilities are undersized the solution is often a request to allow encroachment into the buffers. Many times the encroachment can be avoided by reconfiguring the stormwater management facilities but sometimes there is no alternative but to allow the encroachment or redesign the facility with undesirable features such as steep slopes from the rear of residential units into stormwater management facilities.

Additionally, the Final Water Quality Plan condition that requires the applicant to honor the approved stream buffers and that all permanent stormwater management facilities, except for necessary conveyances, be kept out of the stream buffer and that no temporary sediment control facilities be located in forested stream buffers without Planning Board approval offers the permanent protection required by the *Environmental Guidelines*. At the same time, it may require the reconfiguring the lots/roadways outside the stream buffers or result in a loss in developable area approved by the Planning Board based on final designs.

### Protection of Seeps, Springs and Wetlands

One of the performance goals for the final Water Quality Plan for this site is to protect springs, seeps, and wetlands. It is M-NCPPC's responsibility to protect these environmental elements through the delineation of stream and wetland buffers. Buffers have been recommended over all streams and wetlands identified on the appropriate approved NRI/FSD.

The applicant has provided MCDPS with sufficient information to determine what impacts cut and fill areas will have on groundwater recharge and stream base flow. The applicant has satisfied



condition 3 of the December 24, 2007 MCDPS Final Water Quality Approval letter which states, “Additional geotechnical study and evaluation will need to be done to determine the feasibility of groundwater recharge at all of the proposed locations.” Additionally this information also satisfies previous planning board conditions that the additional geotechnical studies and evaluations occur prior to individual site plan approvals. However, MCDPS is responsible for determining and ensuring the performance goals are achieved.

**Site Imperviousness**

There are no impervious limitations within the Clarksburg SPA; however, the Special Protection Area regulations allow M-NCPPC to review imperviousness and to work with the applicant to reduce imperviousness. The estimated impervious amount proposed for the entire Cabin Branch project is less than 45 percent. The impervious amount will be refined with the submission and approval of individual site plans. Impervious data is not available for sites of this size and mixture of units and square foot of commercial/office space. However, the table below shows the approximate impervious surface percentages for the overall Winchester Phase I for the overall plan as well as broken down by zone.

*Table 1: Winchester Phase I Imperviousness*

Winchester Phase 1	Overall FWQP	RMX/TDR-I Area	MXPDP Area
	109.0 acres	73.6 acres	35.4 acres
	59.1 acres impervious	30.9 acres impervious	28.2 acres impervious
	54.2 % impervious	42.0 % impervious	79.7 % impervious

County DPS Special Protection Area Review Elements

MCDPS originally conditionally approved the elements of the final water quality plan under their purview on December 24, 2007 and subsequently approved the revised plans on August 31, 2011.

**Site Performance Goals**

As part of the final water quality plan, several site performance goals were established:

1. Protect the streams and aquatic habitat.
2. Maintain the natural onsite stream channels.
3. Minimize storm flow run off increases.
4. Identify and protect stream banks prone to erosion and slumping.
5. Minimize increases in ambient water temperatures.
6. Minimize sediment loading.

7. Maintain stream base flows.
8. Protect springs, seeps, and wetlands.
9. Minimize nutrient loadings.
10. Control insecticides, pesticides, and toxic substances.

### **Stormwater Management**

To help meet these performance goals, the stormwater management plan requires water quality control and quantity control to be provided through an extensive system of linked best management practices (BMPs). Six extended detention dry ponds will provide stormwater quantity control. These facilities are designed with a maximum retention time of 12 hours for the one-year storm. Stormwater quality control is provided via a treatment train consisting of recharge structures, surface sand filters in series, structural water quality inlets and vegetated buffer filtering. Since open section roads will not be feasible for the majority of the site additional water quality volume treatment will be provided in surface sand filters. This will be accomplished by sizing these structures to treat the entire drainage area regardless of the treatment being provided for the upland areas. Areas intended for vehicular use will be pretreated prior to entering any water quality filtering structures. Recharge is to be provided below the outlet pipe of all proposed (non-structural) water quality structures where groundwater or bedrock is not encountered. Redundant sediment control facilities are required during construction of the site. This means upland sediment traps will drain to secondary traps downgrade. MCDPS will not allow silt fences as only perimeter control.

### **COMMUNITY OUTREACH**

The Applicant has met all proper signage, noticing, and submission meeting requirements. The Cabin Branch Development Team, with its engineering and design consultants, has held outreach meetings with project presentations as follows:

January 18, 2011:	[Winchester 1, Winchester 2] Community Outreach meeting, for MNCPPC requirement\$ and DPS SPA requirement at Clarksburg
May 1, 2011:	Development Review Committee at MNCPPC [Winchester 2]
June 12, 2011:	Development Review Committee at MNCPPC [Winchester 1]
August 15, 2011:	Clarksburg Civic Association Planning Committee Meeting, [Winchester 1, Winchester 2] with MNCPPC Staff
September 26, 2011:	Clarksburg Civic Association General Meeting [Winchester 1, Winchester 2] with MNCPPC Staff
October 24, 2011:	Clarksburg Civic Association General Meeting [Winchester 1, Winchester 2 Update] with MNCPPC Staff
November 28, 2011	Clarksburg Civic Association Scheduled Update

### **CONCLUSION**

Staff concludes that the development of the Winchester I Site Plan, the land use plan, the site and landscape plans, the public facilities and amenities proposed, are in substantial conformance with the recommendations of the Clarksburg Master Plan, the Development Plan and the Montgomery County Zoning Ordinance.

## ATTACHMENTS

Attachments: Opinions and Resolutions, Winchester 1		Number	Date
<b>District Council of Montgomery County - Opinions</b>			
A.	Local Map Amendment G-806	15-236	9-Sep-2003
B.	Subdivision Regulation Amendment	16-35	1-Apr-2009
C.	Subdivision Regulation Amendment	17-04	1-Apr-2011
<b>Montgomery County Planning Board - Resolutions</b>			
D.	Preliminary Plan Amendment	120031108	6-Oct-2008
E.	Infrastructure Site Plan	820050150	19-Sep-2007
F.	Infrastructure Site Plan Amendment	82005015A	9-Jun-2008
G.	Winchester 1 Site Plan	820060290	6-Oct-2008
H.	Gosnell Site Plan	820060240	29-Sep-2010
I.	WSSC Mandatory Referral Water Storage Tank	MR08001	5-Apr-2008

Cabin Branch Winchester 1: Letters		Date
<b>I Maryland National Capital Park Planning Commission</b>		
A.	Parks Department	5-May-2008
B.	Historic Preservation	11-Nov-2011
C.	Division of Transportation Planning (2008)	24-Mar-2008
<b>II Montgomery County Department of Permitting Services</b>		
D.	Zoning Enforcement: Win 1, Win 2	17-Oct-2011
E.	Water Resources Section: Win 1	31-Aug-2011
F.	Right-of-Way Review: Win 1	28-Oct-2011
<b>III State and County Agencies</b>		
G.	Department of Housing and Community Affairs	9-Sep-2011
H.	Montgomery County Fire and Rescue Service	9-Sep-2011
I.	Montgomery County Public Schools	15-Sep-2011
<b>IV Utilities</b>		
J.	Washington Gas: Win 1, Win 2	29-Aug-2011
K.	Washington Suburban Sanitary Commission: Win 1	27-Sep-2011
L.	Verizon: Win 1, Win 2	25-Aug-2011
M.	Potomac Edison: Win 1, Win 2	31-Aug-2011
<b>V Other</b>		
N.	United States Postal Service: Win 1, Win 2	30-Aug-2011
O.	Town Architect: KTG, Design Guidelines	26-Sep-2011

## ATTACHMENTS

Attachments: Plans and Exhibits, Cabin Branch Winchester 1	
<b>I</b>	<b>Composite Plans</b>
A.	Land Use Plan
B.	Site Plan
C.	Landscape Plan
D.	Streets Development Plan
E.	HighVisibility Lots
F.	Final Forest Conservation Plan
G.	Natural Resources Inventory
H.	Trails Exhibit
I.	Overall Greenspace
J.	MPDU Exhibit
<b>II</b>	<b>Site Plans</b>
K.	Recreation Plan: Winchester I
L.	Parking Plan: Winchester i
<b>III</b>	<b>Landscape Plans</b>
M.	Stream Valley Park Dedication Plan
<b>IV</b>	<b>Amenities</b>
N.	MCPS-MNCPPC Parks Schematic Site Design
<b>V</b>	<b>Prior Approvals Plans</b>
O.	Development Plan [Zoning Case G-806]
P.	Preliminary Plan [12003110B]
Q.	Infrastructure Site Plan [820050150, 82005015A]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
IN MONTGOMERY COUNTY

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By: County Council

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**Subject:** APPLICATION NO. G-806 FOR AMENDMENT TO THE ZONING ORDINANCE MAP,  
Robert Harris, Esquire, Jody S. Kline, Esquire and Stephen J. Orens, Esquire, Attorneys  
for Purchasers, OPINION AND RESOLUTION ON APPLICATION  
Tax Account Nos. 02-00016905; 02-00016916; 02-00022666; 02-00020725

**OPINION**

Application No. G-806, filed on December 16, 2002 by Applicants Adventist Healthcare, Inc., FFTM I Limited Partnership and King Farm Partnership, LLP, requests reclassification from the RE-1/TDR, RMX-1/TDR and I-3 Zones to the MXPDP Zone of 283.5 acres of land east of Clarksburg Road (MD 121), west of I-270 and north of West Old Baltimore Road in Clarksburg, in the 2nd Election District. As required under Code § 59-D-1.11, the application was accompanied by a Development Plan with binding specifications related to land use, density, development standards and staging. Development under the MXPDP Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the MXPDP Zone.

The Hearing Examiner recommended approval of the application on the basis that (i) the submitted Development Plan satisfies all of the applicable requirements set forth in the Zoning Ordinance; and (ii) the proposed rezoning and development would satisfy the purposes and standards of the MXPDP Zone, would be compatible with existing and planned land uses in the surrounding area, and would serve the public interest. The Montgomery County Planning Board (the "Planning Board") and its Technical Staff provided similar recommendations. The District Council agrees with these conclusions.

The Applicants seek reclassification of approximately 283.5 acres of land in Clarksburg, which will be referred to as the "subject property." The subject property comprises roughly the eastern

half of a 535-acre tract of land that has been assembled by the Applicants and a fourth party, Winchester Homes, Inc. (together, the "Property Owners"). This 535-acre area forms a triangle abutting Clarksburg Road (MD 121) to the west and north, I-270 to the east and West Old Baltimore Road to the south, and will be referred to as the "Cabin Branch Community." The Applicants propose to develop the entire Cabin Branch Community as a single planned development with residential, employment, retail and service uses. The portion of the Cabin Branch Community outside the subject property is intended to be developed under its existing RMX-1/TDR zoning.

While each of the Property Owners retains the right to proceed with the development of its property independently, the development team approached the whole of the Cabin Branch Community as a single project. As a result, all of the graphical exhibits in the record, including the Land Use Plan that is the central component of the Development Plan, cover the entire Cabin Branch Community. Moreover, the Property Owners intend to present to the Planning Board a single application for preliminary plan approval for the entire Cabin Branch Community. For ease of reference, the Cabin Branch Community as a whole will sometimes be referred to as the "site," and the 251.5 acres not included in the subject property will be referred to collectively as the "west side" of the site.

The subject property is comprised of the 127.7-acre Gosnell parcel (also known as the King Farm Limited Partnership parcel), the 13-acre Faller parcel, and the 142.8-acre Adventist HealthCare parcel, for a total of 283.5 acres. It has approximately 4,000 feet of frontage on I-270, 2,100 feet of frontage on Clarksburg Road, and 1,600 feet of frontage on West Old Baltimore Road. The property is dominated by fields in active agricultural use, bordered by hedgerows, and has several abandoned farm buildings. A stream valley for a tributary of Little Seneca Creek flows through the subject property and is partially forested. The majority of the subject property lies within the Clarksburg Special Protection Area.

The west side of the site (outside the subject property) is developed in a similar fashion, with fields in active agricultural use and a small number of abandoned farm buildings. It also contains a small property known as the Magee Property, which is the location of the Byrne-Warfield House,

designated in the *1994 Clarksburg Master Plan* as a historic site. The Property Owners have contracted to purchase the Magee Property and intend to preserve this historic site as a community amenity. A tributary of Cabin Branch Creek runs through the west side of the site. Most of the stream valley, as well as a sizeable area adjacent to it, is forested. Two small areas in the west side of the site are within the Clarksburg Special Protection Area.

The surrounding area for this application is bounded roughly by I-270 on the east, an undeveloped I-3 zoned parcel adjacent to the new Clarksburg Detention Center on the north, Ten Mile Creek on the west, and Black Hill Regional Park and the Linthicum West Realty property to the south. The surrounding area is dominated by agricultural fields to the north, west and south, classified under the RE-1/TDR Zone, and Black Hill Regional Park to the south. Scattered houses have been and are being developed along Clarksburg Road and West Old Baltimore Road in the RE-1/TDR Zone. Immediately north of the subject property are the Clarksburg Road/I-270 interchange, a rubble excavation area left over from I-270 construction, a recently built Montgomery County Detention Facility, and undeveloped land classified under the I-3 Zone. Immediately south of the Cabin Branch Community, abutting the south side of West Old Baltimore Road, is the Linthicum West Realty property, which is designated in the *1994 Clarksburg Master Plan* for residential development under the RE-1/TDR Zone. East of I-270 (outside the designated surrounding area) are the Gateway 270 Corporate Office Park and the Lockheed Martin office development.

The subject property was classified under the RR Zone (Rural Residential, now known as R-200, 20,000-square-foot minimum lot size) in the 1958 Countywide Comprehensive Zoning. It was rezoned to a combination of RE-1/TDR, RMX-1/TDR and I-3 by sectional map amendment G-710 in 1994.

The *1994 Clarksburg Master Plan* (the "Master Plan") was intended to "guide the growth of Clarksburg from a rural settlement to a transit- and pedestrian-oriented town surrounded by open space." Master Plan at 15. It divides the study area into a series of geographic areas including the "Cabin Branch Neighborhood," a 950-acre area that includes the Cabin Branch Community north of

West Old Baltimore Road, plus an additional 415 acres south of West Old Baltimore Road. See Master Plan at 40-41. The Cabin Branch Neighborhood is the only area of Clarksburg west of I-270 that the Master Plan proposes for significant residential development. The Master Plan identified several reasons to designate this area as a "mixed-use neighborhood center," including proximity to the Boyds commuter rail station and the transitway (a dedicated light rail or bus route) proposed east of I-270; access to Clarksburg Road, which has one interchange with I-270 and is planned for a second one; land ownership in several large parcels conducive to an overall planned development concept; close proximity to Black Hill Regional Park offering the opportunity for a strong neighborhood-park relationship; and extensive frontage on I-270, opposite existing high-tech uses. See Master Plan at 64. Relevant Master Plan objectives for the Cabin Branch Neighborhood are outlined below.

- Provide a mix of uses including 1,950 residential dwelling units (45 to 55 percent detached, 35 to 45 percent attached, and 10 to 20 percent multi-family), 2–2.3 million square feet of employment uses, 120,000 square feet of retail space, and public uses including places of worship, child care, a community building, a park and an elementary school.
- Encourage an employment pattern that is supportive of I-270 as a high-technology corridor, with RMX and I-3 as base zoning along I-270 and rezoning to MXPD recommended.
- Create a transit-oriented land use pattern that facilitates bus access and circulation, with a neighborhood core that is linked by bus to the proposed transitway east of I-270 and to the existing MARC station in Boyds, and that is located within one-quarter mile of as many residential units as possible.
- Maximize access to the proposed open space system by locating public uses such as a local park, an elementary school and passive open spaces adjacent to the Cabin Branch stream valley, locating residential streets adjacent to the stream



valleys on at least one side, and connecting the two central stream valleys with public open spaces.

- Provide an interconnected roadway system with site access via a widened Clarksburg Road and an extension of Newcut Road as a four-lane highway from Clarksburg Road, through a new I-270 interchange, to Mid-County Highway; West Old Baltimore Road was also described as an attractive rural road that should not be widened, but was also designated as an Arterial Highway which, if built to County standards, would require a wide corridor and widening of the roadway from the existing 20 feet to 44 feet including shoulders.
- Create a strong neighborhood focal point by concentrating public and retail uses in the same general area.
- Emphasize protection of the west fork of Cabin Branch, which has high water quality and tree cover.

The Development Plan in this case contains adequate information concerning the required elements, including site access, proposed buildings and structures, parking areas, land to be dedicated to public use, and land intended for common or quasi-public use but not intended to be in public ownership. The Land Use Plan divides the Cabin Branch Community into Areas A, B, C and D, which constitute the subject property, and Area E on the west side. While it does not specifically identify the intended use of each individual structure, the Land Use Plan identifies the type and density of land uses to be built in Areas A through D and specifies, in the tables reproduced on the next page, the maximum total density to be permitted for each type of use in the entire subject property.

The Land Use Plan includes a development program that outlines the phasing for development of structures, open spaces, vehicular and pedestrian circulation systems and recreational facilities. Pursuant to this development program, the first buildings to be constructed on the subject property are required to be office and health care facilities in Area C and office facilities in Area A. The

**Uses and Densities on Subject Property  
Excerpted from Land Use Plan, Exhibit 67(g)**

**Tables from Page 18 of HE Report**

Land Use Plan also identifies planned recreational amenities, including the stream valley buffer areas, in which no construction is to occur except for utilities, road right-of-way and stormwater management.

The Land use Plan also includes "General Notes" that provide important commitments by the Applicants, including the following:

- Note (2) restricts development in Areas A through D to the uses and densities specified in the summary tables.
- To demonstrate compliance with MXPDP requirements, notes (3) and (4) specify, for Areas A through D, maximum residential densities and minimum and maximum square footage and floor area ratio ("FAR") for employment uses.
- In compliance with the MXPDP Zone, note (7) requires at least 50 percent green area in the residential area of the subject property and 40 percent in the commercial area.
- Note (8) underscores the binding nature of the maximum densities specified in the MXPDP Yield Summary table.
- Note (9) memorializes the commitment to dedicate land for road right-of-way as required at preliminary plan review.

The Applicants have specified on the Land Use Plan additional binding elements in textual form, which were developed jointly by the Applicants, Technical Staff and the People's Counsel. Some of the binding elements apply to the west side of the site as well as to the subject property. The first binding element commits the Applicants to acquiring the same number of transferable development rights that would be required if all of the property currently classified under the RMX-1/TDR Zone were developed according to its existing zoning. Other binding elements commit the Applicants to dedicating sites for an elementary school, a local park and a recreation facility; considering trip reduction measures during preliminary plan review; creating a network of interconnected public and private streets in a grid pattern; designing streets with pedestrian-friendly elements; designing the road that leads to Black Hill Regional Park to serve as a park gateway; maintaining the rural character of West Old Baltimore Road by minimizing environmental impacts and providing generous green edges; including in the service/public uses up to 500 dwelling units for seniors or persons with disabilities; and providing on-street parking on streets with retail uses. Binding element number 5 contains a clerical error that should

be corrected, as specified on page 21 of the Hearing Examiner's Report and Recommendation, to correspond more closely to the evidence of record.

The Development Plan includes a Road Hierarchy Plan, Exhibit 47, which shows that the main roadways through the development would be First Avenue and Second Avenue, running north/south from Clarksburg Road to Newcut Road. First and Second Avenues are both numbered A-304 because they represent a reconfiguration of the Master Plan-designated Route A-304, which was recommended to be a four-lane divided highway. To better support the goal of a pedestrian- and transit-friendly development, the Applicants show A-304 as two separate, two-lane roadways that would run roughly parallel to one another. Both would be divided by medians and allow on-street parking.

The Master Plan recommended that Newcut Road be constructed as a four-lane divided highway from Clarksburg Road to Mid-County Highway, with a new interchange at I-270. Newcut Road was to serve as one of the main through points for traffic. To avoid the environmental damage of building Newcut Road through the middle of the Cabin Branch stream valley, and to avoid having a major highway pass through the development, the Applicants propose Newcut Road as a two-lane road (divided by a median) extending from West Old Baltimore Road north to the terminus of Second Avenue, where it would turn east and connect with a new I-270 interchange. Thus, traffic bound for I-270 would need to use West Old Baltimore Road to get from Clarksburg Road to the Newcut Road interchange, or drive up Clarksburg Road to its interchange with I-270 a short distance to the north. The Applicants propose to widen West Old Baltimore Road to accommodate additional traffic.

The Master Plan recommended widening Clarksburg Road to six lanes for a short distance south of its interchange with I-270, then to four lanes from there to its new intersection with Newcut Road, and to two lanes from that point south to Boyds. The Applicants propose to widen Clarksburg Road to six lanes for a short distance south of the I-270 interchange, then to four lanes from that point to Second Avenue, which is considerably north of where Newcut Road would have intersected Clarksburg Road under the Master Plan concept. The Applicants propose to taper Clarksburg Road down to two lanes immediately south of Second Avenue.

The Applicants were supported in their decisions concerning Newcut and Clarksburg Roads by Technical Staff, who testified that the environmental harm attendant to extending Newcut Road to Clarksburg Road through the Cabin Branch stream valley was too great to justify the transportation benefit. Technical Staff also stated that based on current transportation modeling, the full number of lanes recommended for Clarksburg Road in the Master Plan is not needed. See Tr. June 12 at 123-132. Staff opined that replacing the four lane recommended Route A-304 with two two-lane, pedestrian-friendly streets, consistent with a short-block grid pattern, would be valuable in attaining the Master Plan goal of integrating the employment areas into the overall Cabin Branch Community. See Staff Report, Ex. 38 at 17.

The plans for the Cabin Branch Community incorporate principles of traditional neighborhood design such as creating neighborhoods with a pedestrian scale, mixing uses horizontally and vertically, and locating both public and private services and amenities within a five-minute walk of as many residences as possible. These principles were applied in designing the interconnected road system, short blocks, buildings close to the road with parking in the rear, numerous bus stops, and a retail core area along First Avenue, within a five-minute walk for many residents. The Development Plan includes specific efforts to create physical and visual connections to the stream valleys throughout the Cabin Branch Community, including parks, trails, and open spaces between buildings. The design would employ structured parking to reduce the amount of surface parking. Where surface parking is used, the Applicants intend to incorporate bio-retention stormwater management facilities into landscaping areas. This would avoid large, unrelieved paved parking areas and at the same time contribute significantly to protecting groundwater quality and quantity.

The District Council finds that the Development Plan submitted with this application satisfies all of the applicable requirements under Code §59-D-1.61(a)-(e). Each of the required findings is addressed below.

**§59-D-1.61(a): master plan consistency.** The proposed development of the subject property is fully consistent with the uses and density indicated by the *1994 Clarksburg Master Plan*.

The Master Plan designated the subject property as part of a mixed-use neighborhood with employment, retail, public uses and residential, and the Applicants propose the same mix of uses. The potential number and types of residential units the Applicants propose on the subject property is consistent with the Master Plan's recommendations for the number and type of residential units in the Cabin Branch Neighborhood. The square footage of employment and retail uses proposed by the Applicants also is consistent with the amounts recommended in the Master Plan. Evidence related to the county capital improvements program indicates that that the proposed reclassification would not conflict with that program.

§59-D-1.61(b): purposes, standards and regulations of the zone; safety, convenience and amenity of residents; and compatibility with adjacent development The purpose clause for the MXPDP Zone contains a number of goals and objectives, all of which are satisfied by this application. The District Council's findings as to each section of the purpose clause are set forth below.

Introductory paragraph and paragraph (a): Master Plan implementation. The proposed rezoning would allow implementation of the Master Plan recommendation to develop the subject property as part of a comprehensively planned, multi-use center. As stated by Technical Staff, "the MXPDP Zone will permit an integrated approach to design and development in which land uses are combined, densities are shared, impact on the environment is mitigated, and infrastructure is located in an efficient manner without the constraints of property [or zoning] lines." The proposed reclassification would provide the flexibility needed to allow the Property Owners to cooperate productively in creating a single, comprehensively planned mixed-use center. As a result, the subject property would be developed in a fashion more consistent with the objectives of the Master Plan than would be possible with the current split zoning.

Paragraph (b): concept plan. The Applicants chose not to use the concept plan option.

Paragraph (c): higher density residential uses integrated into overall multi-use center. The Land Use Plan includes higher-density multi-family residential uses as an integral part of the

development. Most of the multi-family uses would be within easy walking distance of the retail core, and all would be in close proximity to employment uses and other types of residential development. The system of interconnected roadways, trails and open space would strengthen the linkages between higher-density uses and lower-density residential, public parks and other recreational amenities.

Paragraph (d): internal compatibility of residential and nonresidential uses. The Land Use Plan presents a development with a high degree of internal compatibility. The density and intensity of uses decrease from the I-270 frontage to the west side of the property, allowing employment uses to provide a noise buffer for most of the residential uses while placing most of the residential units within a five-minute walk of the retail core. Residents would have easy access to commercial, recreational, employment and institutional amenities within the non-residential areas, including shopping, employment opportunities, health services, parks and other open space.

Paragraph (e): ensure compatibility with surrounding uses through higher standards of land planning and site design than under conventional zoning. The Development Plan required in the MXPDP Zone serves as an additional, more comprehensive level of review than would be required for the underlying zones. The MXPDP Zone also incorporates specific standards, particularly with regard to setbacks, that assure compatibility with adjoining uses. Moreover, the proposed reclassification would permit a comprehensive, integrated approach to developing the subject property which, by its nature, involves higher standards of land planning and site design than could be accomplished under the differing requirements of the existing zoning classifications.

Paragraph (f): open space to benefit community generally, with physical and aesthetic integration of uses and activities within the development, structured parking to minimize surface parking, and landscaping for surface parking. Open space to be provided on the subject property includes the Little Seneca stream valley, the Central Park, additional urban parks and open spaces, and trail connections. Additional open space including the Cabin Branch stream valley would be available on the west side of the site. Many of these elements would be along the edges of the subject property, making them accessible to the general community for relaxation, recreation and social activity. The grid pattern

of the roadways, the attention to maintaining open vistas of the stream valleys and links between the two main stream valleys, the location of the larger recreational amenities abutting a stream valley, and the extensive system of trails, bike paths, parks and other open spaces would result in a high degree of physical and aesthetic integration of uses and activities. The Applicants intend to incorporate on-street parking, structured parking, and extensively landscaped surface parking in the development.

Paragraph (g): comprehensive non-vehicular circulation networks and linkages among different types of uses. The Development Plan incorporates a comprehensive non-vehicular circulation network including an interconnected system of sidewalks, trails and bike paths, with short blocks in a grid pattern to encourage residents to walk within the development. This network would provide extensive linkages among the various uses and open spaces on the subject property and in the Cabin Branch Community as a whole.

Paragraph (h): efficient use of energy resources. The evidence demonstrates that the Applicants are aware of this element of the purpose clause and will explore a variety of measures to satisfy its requirements, including installing energy-efficient appliances, windows and lighting fixtures.

Paragraph (i): preserve and take the greatest possible aesthetic advantage of trees, and minimize grading. The submitted Development Plan includes preservation of higher quality forest as well as reforestation and afforestation in the stream valleys. Applicable forest conservation requirements would be satisfied on site. The comprehensive approach taken to development of the subject property and the Cabin Branch Community as a whole would allow the site design to follow the topography and minimize grading.

Final paragraph: three findings. The purpose clause states that the PD Zone may be approved if three findings are made:

- (1) the application is proper for the comprehensive and systematic development of the county;
- (2) the application is capable of accomplishing the purposes of this zone; and
- (3) the application is compatible with the general plan and applicable master plan.



As explained further in the remainder of this resolution, based on the preponderance of the evidence, the District Council concludes that the proposed reclassification is proper for the comprehensive and systematic development of the county, is capable of accomplishing the purposes of the MXP zone, and is compatible with the general plan and the applicable master plan.

The MXP Zone includes a number of standards and regulations, each of which would be satisfied by the proposed development of the subject property. These regulations and the application's compliance with them are summarized below.

59-C-7.51(a): Master Plan. Land cannot be classified under the MXP Zone unless it is recommended for mixed-use development in an approved and adopted master plan. The 175-acre portion of the subject property fronting on I-270, which corresponds roughly to the area from I-270 to First Avenue, was recommended in the Master Plan for MXP mixed-use zoning. The remainder of the subject property was recommended in the Master Plan for its current zoning classification, RMX (Residential Mixed Use).

59-C-7.51(b): Minimum area. At 283.5 acres, the subject property substantially exceeds the 20-acre minimum for the zone.

59-C-7.51(c): Adjacent and readily accessible from major highways. The subject property is located adjacent to and has access to I-270, a major limited access freeway.

59-C-7.52(a): All residential uses permitted. The proposed development would include single-family detached, single-family attached and multi-family residential dwellings, as well as housing and related facilities for senior adults or persons with disabilities. The planned development would follow closely the recommendations of the Master Plan. Locations and types of residential units proposed are shown on the Development Plan, with multi-family uses close to both commercial and lower density residential uses. Multi-family uses would be integrated in the overall fabric of the development and would contribute to the mix of uses along the main street in the development, First Avenue.

59-C-7.52(b) and (c): Commercial and Industrial. The submitted Development Plan shows the location and general types of commercial and industrial uses, as required.

The District Council's approval of the Development Plan includes approval of the locations and general types of commercial and industrial uses proposed. Retail uses would occupy roughly ten percent of the commercial floor area, well below the 20 percent limit. Industrial uses would comply with the environmental control provisions of Section 59-C-5.46.

59-C-7.52(d): Transitory use. Transitory uses are permitted; none are proposed.

59-C-7.52(e): Equipment. Any installation of rooftop-mounted antennas and related unmanned equipment will comply with §59-A-6.14, as required.

59-C-7.53(a). The maximum residential density proposed on the subject property is approximately 20 dwelling units per acre, consistent with the recommendations of the Master Plan and well below the limits set for the zone.

59-C-7.53(b). The District Council must determine whether the density applied for is appropriate, taking into consideration the master plan, the purposes of the MXPDP Zone, the requirement to provide MPDUs, and county housing policy. The proposed density is well below the maximum permitted in the zone, so clearly it is not excessive. A moderate overall density is appropriate in light of the Master Plan recommendations specifying a maximum of 1,950 residential units in the entire 950-acre Cabin Branch Neighborhood, and the emphasis in the purpose clause on compatibility. A development with densities approaching the levels permitted in the MXPDP Zone would have difficulty maintaining compatibility with the largely rural, low-density uses in the surrounding area. Accordingly, the District Council finds that the residential density proposed for the subject property is appropriate for the site.

59-C-7.53(c). The Master Plan recommended a comprehensively developed mixed-use center with residential and non-residential components, as proposed here. The residential density proposed on the Development Plan is consistent with the recommendations of the Master Plan.

59-C-7.54: Density of commercial/industrial development. The maximum commercial/industrial density proposed on the Development Plan is a FAR of 0.59, which is compatible with the recommendations of the Master Plan and below the limit established for the zone.

59-C-7.55: Compatibility standards. All uses must conform to the purposes of the MXP Zone and must be compatible with existing or proposed uses in the surrounding area. Three threshold requirements apply, related to setbacks and height limits. The Development Plan would satisfy each of these requirements. Moreover, based on a more general consideration of compatibility, the District Council finds that the proposed development would be compatible with existing and proposed uses in the surrounding area.

The proposed development would be a significant change from the current agricultural use of the subject property, and would be a more intense form of development than the rural, low-density uses prevailing in the surrounding area. However, only small portions of the subject property abut residentially developed property, and for the most part the development facing those residences would be buffered by green space and/or roads. The largest borders of the Cabin Branch Community that abut residential uses would be in the west side of the site, where development is intended to be almost entirely low-density, single-family detached residential. The Linthicum Realty property south of the Cabin Branch Community is expected to be developed for single-family residential use, creating easy compatibility in that portion of the site. Mixed-use development of the subject property would result in employment uses along I-270 that would be much more compatible with a high-speed freeway than the existing agrarian uses. Moreover, the proposed development would implement the principal goals of the Master Plan, including focusing development in identified areas and preserving surrounding green space. Technical Staff testified that they found the proposed development to be compatible because of the layout, including setbacks, and because of the support it garnered among Clarksburg residents. For all of these reasons, based on the preponderance of the evidence, the District Council concludes that the proposed rezoning and development would be compatible with existing and proposed uses in the surrounding area.

59-C-7.56: Minimum green area and amenity requirements. A binding element of the Land Use Plan commits the Applicants to meeting the minimum green area requirements for the zone.

59-C-7.57: Public facilities and utilities. The Development Plan provides for property dedication for roadways and for the principal public facilities recommended in the Master Plan: an elementary school, a recreation center/community building, and a local park. The Applicants have represented that all utility lines would be installed underground.

59-C-7.58: Parking facilities. The Applicants have represented that they would satisfy the requirements of Chapter 59-E and that off-street surface parking areas would be carefully designed and landscaped to comply with this provision and a similar provision in the purpose clause for the zone.

In addition to the purpose and regulations of the zone, the application satisfies the requirement to provide for the maximum safety, convenience and amenity of residents. Residents would enjoy a neighborhood developed with a high level of planning and attention to convenience, making the best use of amenities. Many residences would be within a very short of walk of shopping and employment opportunities, and all would have ready access by foot, bicycle, bus or car. Residents would be able to enjoy the aesthetic benefit of the stream valleys within the Cabin Branch Community, close proximity to Black Hill Regional Park, and the view of the surrounding countryside. The extensive, efficient roadway network with its grid pattern and easy access to neighboring roadways would provide for residents' safety.

§59-D-1.61(c): safe, adequate and efficient internal vehicular and pedestrian circulation systems. The evidence supports a finding that the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient, particularly in view of the extensive roadway improvements that the Applicants would be obligated to provide to satisfy Planning Area Transportation Review and Local Area Transportation Review requirements.

§59-D-1.61(d): preservation of natural features. The evidence supports a finding that because of the comprehensive, integrated nature of the proposed development, it would tend to prevent soil erosion, minimize grading and preserve natural vegetation and other natural features of the site considered to have the highest environmental value. The Development Plan demonstrates that the

Applicants would satisfy forest conservation requirements on-site, and the approved Preliminary Water Quality Plan demonstrates compliance with water resource protection requirements.

**§59-D-1.61(e): common area maintenance.** The Land Use Plan specifies in binding element number 13 that at site plan review, the owners of the property would enter into a Site Plan Review Agreement providing for perpetual maintenance of open space areas and other areas to be used for recreational, common or quasi-public purposes. This statement satisfies this requirement.

The District Council further determines that the proposed zoning bears sufficient relationship to the public interest to justify it. The proposed rezoning and development would be in substantial compliance with the use and density recommended in the Master Plan. The Development Plan would depart from the Master Plan's recommendations for roadway configuration because the Applicants would widen West Old Baltimore Road to serve as the main east-west through road, instead of directing the main flow of traffic through the new development on Newcut Road. The record contains no discussion of the environmental impacts of widening West Old Baltimore Road, although presumably they are less dramatic than the severe impacts of building a new four-lane roadway through a stream valley. Technical Staff and the Planning Board concluded that under today's standards and based on current traffic modeling, the benefits of extending Newcut Road as recommended in the Master Plan are clearly outweighed by the costs. Based on the preponderance of the evidence, the District Council concludes that the proposed rezoning and development would be in substantial compliance with the *Clarksburg Master Plan*.

The District Council further concludes that the proposed development would be adequately served by and would not adversely affect public facilities in the area. A community member presented anecdotal evidence that development of the roadway network as proposed by the Applicants would have adverse effects on area roadways. While frustration with traffic congestion is understandable, the Applicant presented competent, probative and substantial evidence that the proposed development would not adversely affect traffic congestion during the weekday peak periods, which is the commonly accepted measure of traffic impact in this County. To allow such evidence to be

outweighed by contentions that amount to little more than generalized concerns and unsupported allegations would be counter to the dictates of Maryland law. See *Rockville Fuel & Feed Co. v. Board of Appeals*, 257 Md. 183, 192-93 (1970); *Moseman v. County Council of Prince George's County*, 99 Md. App. 258, 265 (Ct. Spec. App. 1994).

Correspondence from Montgomery County Public Schools indicates that school capacity may not be adequate to accommodate the proposed development. However, the Planning Board bases its determination concerning school capacity on the AGP, which currently states that school capacity in the Clarksburg/Damascus school district is considered adequate. Under these circumstances, the evidence does not justify denial of the requested rezoning on the basis of school capacity.

For these reasons and because to approve the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.

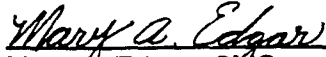
#### **ACTION**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-806, for the reclassification from the RE-1/TDR, RMX-1/TDR and I-3 Zones to the MXPD Zone of 283.5 acres of land east of Clarksburg Road (MD 121), west of I-270 and north of West Old Baltimore Road in Clarksburg, in the 2nd Election District, is hereby approved in the amount requested and the Development Plan submitted in conjunction therewith is also approved, subject to the specifications of the Land Use Plan, Ex. 67(g), which forms its central component; provided, however, that within 10 days of receipt of the District Council's approval resolution, the Applicants must submit a reproducible original and three copies of the approved Land Use Plan, Ex. 67(g), with binding element no. 5 revised to read "Area D will be designed with a public or private street connecting First Avenue (Route A-304) and Newcut Road (Route A-302) in a grid pattern

with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear  
for certification in accordance with §59-D-1.64 of the Zoning Ordinance.

This is a correct copy of Council action.



Mary A. Edgar, CMC  
Clerk of the Council

Ordinance No. 16-35  
 Subdivision Regulation Amend. No. 09-01  
 Concerning: Adequate Public Facilities-  
 Preliminary subdivision plans –  
 Validity Period  
 Revised: 3-25-09 Draft No. 4  
 Introduced: February 10, 2009  
 Public Hearing: March 17, 2009  
 Adopted: March 31, 2009  
 Effective: April 1, 2009

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
 SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
 THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
 MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the Request of the County Executive

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**AN AMENDMENT to:**

- (1) extend the validity period for a determination of adequate public facilities for certain developments;
- (2) extend the validity period for certain preliminary subdivision plans; and
- ~~[(2)]~~ (3) otherwise revise the validity period for certain developments.

By amending

Montgomery County Code  
 Chapter 50, Subdivision of Land  
~~[[Section]]~~ Sections 50-20 and 50-35

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>





10                    ~~[(B)]~~ (ii) ~~[(For)]~~ for no less than ~~[5]~~ ~~[[7]]~~ 5 and no more  
11                    than 12 years after the preliminary plan is  
12                    approved, as determined by the Planning Board at  
13                    the time of approval, for any plan approved on or  
14                    after October 19, 1999, but before August 1, 2007;  
15                    ~~[[and]]~~  
16                    (iii) for no less than 7 and no more than 12 years after  
17                    the preliminary plan is approved, as determined by  
18                    the Planning Board at the time of approval, for any  
19                    plan approved on or after April 1, 2009, but before  
20                    April 1, 2011; and  
21                    ~~[(C)]~~ (iv) ~~[(For)]~~ for no less than ~~[5]~~ ~~[[7]]~~ 5 and no  
22                    more than 10 years after the preliminary plan is  
23                    approved, as determined by the Board at the time  
24                    of approval, for any plan approved on or after  
25                    August 1, 2007, and before April 1, 2009, or on or  
26                    after April 1, 2011. ~~[[If an applicant requests a~~  
27                    validity period that is longer than ~~[5]~~ 7 years, the  
28                    applicant must submit a development schedule or  
29                    phasing plan for completion of the project to the  
30                    Board for its approval. At a minimum, the  
31                    proposed development schedule or phasing plan  
32                    must show the minimum percentage of the project  
33                    that the applicant expects to complete in the first  
34                    ~~[5]~~ 7 years after the preliminary plan is approved.

35 To allow a validity period longer than [5] 7 years,  
36 the Board must find that the extended validity  
37 period would promote the public interest. The  
38 Board may condition a validity period longer than  
39 [5] 7 years on adherence to the proposed  
40 development schedule or phasing plan, and may  
41 impose other transportation improvement or  
42 mitigation conditions if those conditions are  
43 needed to assure adequate levels of transportation  
44 service during the validity period.]]

45 (B) If an applicant requests a validity period that is longer  
46 than the minimum specified in this paragraph, the  
47 applicant must submit a development schedule or phasing  
48 plan for completion of the project to the Board for its  
49 approval. At a minimum, the proposed development  
50 schedule or phasing plan must show the minimum  
51 percentage of the project that the applicant expects to  
52 complete in the first 5 or 7 years, as appropriate, after the  
53 preliminary plan is approved. To allow a validity period  
54 longer than the minimum specified in this paragraph, the  
55 Board must find that the extended validity period would  
56 promote the public interest. The Board may condition a  
57 validity period longer than the minimum specified in this  
58 paragraph on adherence to the proposed development  
59 schedule or phasing plan, and may impose other  
60 transportation improvement or mitigation conditions if

61 those conditions are needed to assure adequate levels of  
62 transportation service during the validity period.

63 ~~[(D)]~~ (3A) A determination of adequate public facilities made under  
64 this Chapter is timely and remains valid:

65 \* \* \*

66 (ii) The Board must grant an application to extend the  
67 validity period established under ~~[(D)(i) of]~~ this  
68 ~~[[subsection]]~~ paragraph for an additional 5 years  
69 if:

70 \* \* \*

71 ~~[[For any preliminary plan that was approved between January~~  
72 ~~1, 2004 and (effective date), the validity period is extended 2~~  
73 ~~years.]]~~

74 (4) The Planning Board may extend a determination of adequate  
75 public facilities for an exclusively residential subdivision  
76 beyond the otherwise applicable validity period if the  
77 Department has issued building permits for at least 50 percent  
78 of the entire subdivision before the application for extension is  
79 filed. The Board may approve one or more extensions if the  
80 aggregate length of all extensions for the development do not  
81 exceed:

82 (A) for a preliminary plan approved before April 1, 2009, or  
83 on or after April 1, 2011:

84 (i) 2½ years for a subdivision with an original validity  
85 period of ~~[5]~~ ~~[[7]]~~ 5 years; or

86                                ~~[(B)]~~ (ii) 6 years for a subdivision with an original  
87                                                        validity period longer than ~~[5]~~ ~~[[7]]~~ 5 years; and  
88                                (B) for a preliminary plan approved on or after April 1, 2009,  
89                                                        and before April 1, 2011:  
90                                (i)    2½ years for a subdivision with an original validity  
91                                                        period of 7 years; or  
92                                (ii)   6 years for a subdivision with an original validity  
93                                                        period longer than 7 years.

94                                                        \*       \*       \*

95                                (7)    ~~[[Submittal and approval requirements for]]~~ For each extension  
96                                                        of an adequate public facilities determination~~[[.]]~~;  
97                                (A)    ~~[[The]]~~ the applicant must submit a new development  
98                                                        schedule or phasing plan for completion of the project to  
99                                                        the Board for approval;  
100                                (B)    the applicant must not propose any additional development  
101                                                        beyond the amount approved in the original determination  
102                                                        ~~[[of adequate public facilities]]~~;  
103                                (C)    the Board must not require any additional public  
104                                                        improvements or other conditions beyond those required  
105                                                        for the original preliminary plan;  
106                                (D)    the applicant must file an application for an extension with  
107                                                        the Board before the ~~[[original]]~~ applicable validity period  
108                                                        has expired; and

109 (E) the Board may require the applicant to submit a traffic  
 110 study to help the Board decide if the extension would  
 111 promote the public interest.

112 \* \* \*

113 **50-35. Preliminary subdivision plans-Approval procedure.**

114 \* \* \*

115 (h) *Duration of Validity Period and Actions Required to Validate the Plan.*

116 \* \* \*

117 (2) *Duration of Validity Period.*

118 (A) An approved preliminary plan for a single phase project  
 119 remains valid for ~~[[36]]~~ 60 months ~~[[from]]~~ after its  
 120 Initiation Date for any preliminary plan approved on or  
 121 after April 1, 2009, but before April 1, 2011, and for 36  
 122 months after its Initiation Date for any preliminary plan  
 123 approved on or after April 1, 2011. Before the validity  
 124 period expires, the applicant must have secured all  
 125 ~~[[governmental]]~~ government approvals necessary ~~[[as~~  
 126 ~~condition precedent for plat recordation]]~~ to record a plat,  
 127 and a final record plat for all property delineated on the  
 128 approved preliminary plan must have been recorded  
 129 ~~[[among]]~~ in the County land records.

130 (B) An approved preliminary plan for a multi-phase project  
 131 remains valid for the period of time ~~[[established]]~~ allowed  
 132 in the phasing schedule approved by the Planning Board.  
 133 Each phase must be assigned a validity period, the duration  
 134 of which must be proposed by the applicant as part of an

135 application for preliminary plan approval or [[an  
 136 application]] for preliminary plan revision or amendment,  
 137 [[reviewed by staff,]] and approved on a case-by-case basis  
 138 by the Planning Board, after considering such factors as  
 139 the size, type, and location of the project. The time  
 140 allocated to [[a]] any phase must not exceed [[36]] 60  
 141 months [[from]] after the initiation date [[associated with]]  
 142 for that particular phase for any preliminary plan approved  
 143 on or after April 1, 2009, but before April 1, 2011, and 36  
 144 months after the initiation date for that particular phase for  
 145 any preliminary plan approved on or after April 1, 2011.  
 146 The cumulative validity period of all phases [[may]] must  
 147 not exceed the APFO validity period which runs from the  
 148 date of the initial preliminary plan approval, including any  
 149 [[extensions]] extension granted under Section 50-20(c)(5).  
 150 [[Validation of a]] A preliminary plan for a phase [[occurs  
 151 upon the recordation of]] is validated when a final record  
 152 plat for all property delineated in that [[particular]] phase  
 153 of the approved preliminary plan is recorded in the County  
 154 land records.

\* \* \*

**Sec. 2. Effective Date.** This amendment takes effect on April 1, 2009.

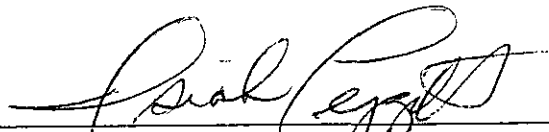
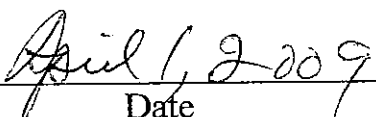
**Sec. 3. Automatic Extensions.**

(a) Notwithstanding any provision of Section 50-20(c) to the contrary, the validity period of any determination of adequate public facilities that was valid on March 31, 2009, or for which a timely application for an


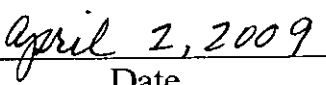
161 extension of the validity period was pending on March 31, 2009, is  
 162 automatically extended for 2 years after the date when the validity  
 163 period would otherwise have expired. This 2-year extension must be  
 164 treated for all purposes as part of the validity period that was extended.

165 (b) Notwithstanding any provision of Section 50-35(h) to the contrary, the  
 166 validity period of any preliminary subdivision plan that was valid on  
 167 March 31, 2009, or for which a timely application for an extension of  
 168 the validity period was pending on March 31, 2009, including any  
 169 separate phase of a multi-phase plan, is automatically extended for 2  
 170 years after the date when the validity period would otherwise have  
 171 expired. This 2-year extension must be treated for all purposes as part  
 172 of the validity period that was extended.

173 *Approved:*

174  
 175    
 176 \_\_\_\_\_  
 176 Isiah Leggett, County Executive Date

177 *This is a correct copy of Council action.*

178  
 179    
 180 \_\_\_\_\_  
 180 Linda M. Lauer, Clerk of the Council Date



ATTACHMENT C

Ordinance No: 17-04  
Subdivision Regulation Amend. No. 11-01  
Concerning: Adequate Public Facilities -  
Preliminary Subdivision Plans  
- Validity Period  
Revised: 1/7/11; Draft No. 2  
Introduced: January 18, 2011  
Public Hearing: March 1, 2011  
Adopted: March 15, 2011  
Effective: April 1, 2011

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

---

By: Council President Ervin, Councilmember Floreen, Council Vice President Berliner, and  
Councilmembers Leventhal, Navarro, and Riemer

---

**AN AMENDMENT to:**

- (1) extend the validity period for a determination of adequate public facilities for certain developments;
- (2) extend the validity period for certain preliminary subdivision plans; and
- (3) otherwise revise the validity period for certain developments.

By amending

Montgomery County Code  
Chapter 50, Subdivision of Land  
Sections 50-20 and 50-35

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

ATTACHMENT C

OPINION

Subdivision Regulation Amendment 11-01 was introduced on January 18, 2011 at the request of Council President Ervin, Councilmember Floreen, Council Vice President Berliner, and Councilmembers Leventhal, Navarro, and Riemer to temporarily extend the validity period of a finding of adequate public facilities and an approval of a preliminary plan of subdivision by the Planning Board.

The Council held a public hearing on March 1, 2011 to receive testimony concerning the proposed amendment. The Council's Planning, Housing, and Economic Development Committee considered this SRA at a worksession on March 7, 2011 and recommended that it be enacted as introduced.

The District Council reviewed Subdivision Regulation Amendment 11-01 at a worksession held on March 15, 2011 and enacted the Amendment as recommended by the Planning, Housing, and Economic Development Committee.

For these reasons, and because to approve this Amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 11-01 will be approved.

ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:*

**Sec. 1. Section 50-20 and Section 50-35 are amended as follows:****50-20. Limits on issuance of building permits.**

\* \* \*

(c) \* \* \*

(3) (A) A determination of adequate public facilities made under this Chapter is timely and remains valid:

(i) for 12 years after the preliminary plan is approved for any plan approved on or after July 25, 1989, but before October 19, 1999;

(ii) for no less than 5 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 October 19, 1999, but before August 1, 2007;

(iii) 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] 2013; and

(iv) for no less than 5 and no more than 10 years after the preliminary plan is approved, as determined by the Board at the time of approval, for any plan approved on or after August 1, 2007, and before April 1, 2009, or on or after April 1, [2011] 2013.

\* \* \*

(4) The Planning Board may extend a determination of adequate public facilities for an exclusively residential subdivision

28 beyond the otherwise applicable validity period if the  
 29 Department has issued building permits for at least 50 percent  
 30 of the entire subdivision before the application for extension is  
 31 filed. The Board may approve one or more extensions if the  
 32 aggregate length of all extensions for the development ~~[[do]]~~  
 33 does not exceed:

34 (A) for a preliminary plan approved before April 1, 2009, or  
 35 on or after April 1, [2011] 2013:

- 36 (i) 2½ years for a subdivision with an original validity  
 37 period of 5 years; or
- 38 (ii) 6 years for a subdivision with an original validity  
 39 period longer than 5 years; and

40 (B) for a preliminary plan approved on or after April 1, 2009,  
 41 and before April 1, [2011] 2013:

- 42 (i) 2½ years for a subdivision with an original validity  
 43 period of 7 years; or
- 44 (ii) 6 years for a subdivision with an original validity  
 45 period longer than 7 years.

46 \* \* \*

47 **50-35. Preliminary subdivision plan-Approval procedure.**

48 \* \* \*

49 (h) *Duration of Validity Period and Actions Required to Validate the Plan.*

50 \* \* \*

51 (2) *Duration of Validity Period.*

52 (A) An approved preliminary plan for a single phase project  
 53 remains valid for 60 months after its Initiation Date for any  
 54 preliminary plan approved on or after April 1, 2009, but

55 before April 1, [2011] 2013, and for 36 months after its  
56 Initiation Date for any preliminary plan approved on or  
57 after April 1, [2011] 2013. Before the validity period  
58 expires, the applicant must have secured all government  
59 approvals necessary to record a plat, and a final record plat  
60 for all property delineated on the approved preliminary  
61 plan must have been recorded in the County land records.

62 (B) An approved preliminary plan for a multi-phase project  
63 remains valid for the period of time allowed in the phasing  
64 schedule approved by the Planning Board. [Each phase  
65 must be assigned] The Planning Board must assign each  
66 phase a validity period on a case-by-case basis, the  
67 duration of which [must be proposed by] the applicant  
68 must propose as part of an application for preliminary plan  
69 approval, [or for preliminary plan] revision, or amendment,  
70 [and approved on a case-by-case basis by the Planning  
71 Board,] after considering such factors as the size, type, and  
72 location of the project. The time allocated to any phase  
73 must not exceed 60 months after the initiation date for that  
74 particular phase for any preliminary plan approved on or  
75 after April 1, 2009, but before April 1, [2011] 2013, and  
76 36 months after the initiation date for that particular phase  
77 for any preliminary plan approved on or after April 1,  
78 [2011] 2013. The cumulative validity period of all phases  
79 must not exceed the APFO validity period which [runs  
80 from] begins on the date of the initial preliminary plan  
81 approval, including any extension granted under Section

82 50-20(c)(5). A preliminary plan for a phase is validated  
 83 when a final record plat for all property delineated in that  
 84 phase of the approved preliminary plan is recorded in the  
 85 County land records.

86 \* \* \*

87 **Sec. 2. Effective Date.** This amendment takes effect on April 1, 2011.

88 **Sec. 3. Automatic Extensions.**

89 (a) Notwithstanding any provision of Section 50-20(c) to the contrary, the  
 90 validity period of any determination of adequate public facilities that  
 91 was valid on March 31, 2009, or for which a timely application for an  
 92 extension of the validity period was pending on March 31, 2009, is  
 93 automatically extended for 4 years after the date when the validity  
 94 period would otherwise have expired. This 4-year extension includes  
 95 any extension granted automatically by Ordinance 16-35 and must be  
 96 treated for all purposes as part of the validity period that was extended.

97 (b) Notwithstanding any provision of Section 50-35(h) to the contrary, the  
 98 validity period of any preliminary subdivision plan that was valid on  
 99 March 31, 2009, or for which a timely application for an extension of  
 100 the validity period was pending on March 31, 2009, including any  
 101 separate phase of a multi-phase plan, is automatically extended for 4  
 102 years after the date when the validity period would otherwise have  
 103 expired. This 4-year extension includes any extension granted  
 104 automatically by Ordinance 16-35 and must be treated for all purposes  
 105 as part of the validity period that was extended.

106 (c) Notwithstanding any provision of Section 50-20(c) to the contrary, the  
 107 validity period of any determination of adequate public facilities that  
 108 was valid on March 31, 2011, or for which a timely application for an

109 extension of the validity period was pending on March 31, 2011, is  
 110 automatically extended for 2 years after the date when the validity  
 111 period would otherwise have expired. This 2-year extension must be  
 112 treated for all purposes as part of the validity period that was extended.

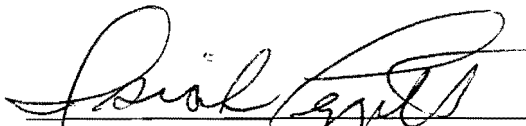
113 (d) Notwithstanding any provision of Section 50-35(h) to the contrary, the  
 114 validity period of any preliminary subdivision plan that was valid on  
 115 March 31, 2011, or for which a timely application for an extension of  
 116 the validity period was pending on March 31, 2011, including any  
 117 separate phase of a multi-phase plan, is automatically extended for 2  
 118 years after the date when the validity period would otherwise have  
 119 expired. This 2-year extension must be treated for all purposes as part  
 120 of the validity period that was extended.

121

122 *Approved:*

123

124

  
 \_\_\_\_\_  
 Isiah Leggett, County Executive

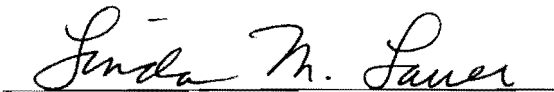
*March 24, 2011*  
 \_\_\_\_\_  
 Date

125

126 *This is a correct copy of Council action.*

127

128

  
 \_\_\_\_\_  
 Linda M. Lauer, Clerk of the Council

*March 28, 2011*  
 \_\_\_\_\_  
 Date

129



**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**

**RESOLUTION<sup>1</sup>**

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

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

<sup>1</sup> 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.



MCPB No. 08-117  
Preliminary Plan No. 12003110B  
Cabin Branch Amendment B  
Page 2 of 17

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 through lane in each direction and a media island subject to SHA's requirements.
  - Add a westbound through lane on MD 121. This third westbound through lane would be dropped at 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 1400<sup>th</sup> 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 1400<sup>th</sup> 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 1400<sup>th</sup> 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 1400<sup>th</sup> 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 MXPB 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 1400<sup>th</sup> 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 cursive script, 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 <sup>nd</sup> Ave (A-304 West) - Street Q to W. Old Balt. Rd., 2-lane business district road Newcut Rd. (A-302) – from 2 <sup>nd</sup> Ave to 1 <sup>st</sup> 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 <sup>st</sup> 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 <sup>st</sup> 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.

ATTACHMENT D

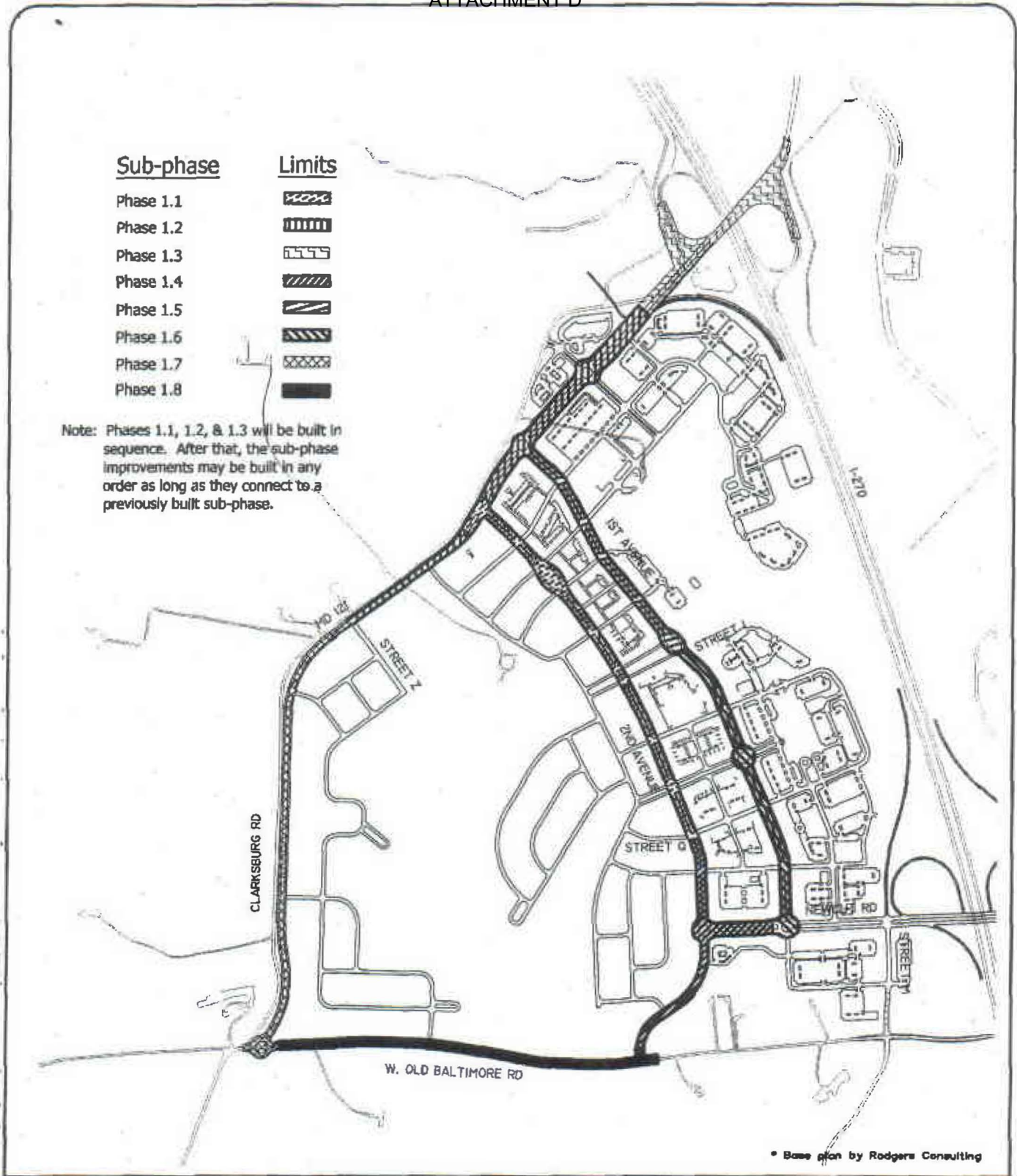


Figure 1  
Phase 1 Policy Area Improvement Sub-phasing





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

**MCPB No. 07-131**  
**Site Plan No. 820050150**  
**Project Name: Cabin Branch Infrastructure and Roads Only Site Plan**  
**Date of Hearing: June 14, 2007**

**MONTGOMERY COUNTY PLANNING BOARD**  
**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on November 4, 2004, FFTM1, Limited Partnership, Winchester Homes, Inc., King Farm Partnership, Concordia Group and Adventist Healthcare, Inc. ("Applicant"), filed an application for approval of a final water quality plan for the infrastructure components of site plan No. 820050150 ("Final Water Quality Plan") and an Infrastructure and Roads Only Site Plan to accommodate 1,886 residential dwelling units, 500 senior units and 2,436,000 square feet of retail and employment, including 635 Transfer Development Rights (TDRs), and 236 Moderately Priced Dwelling Units (MPDUs) ("Site Plan" or "Plan") on 535.04 acres of RMX-1/MXPD-zoned land, located in the northwestern quadrant of the intersection of Interstate 270 and West Old Baltimore Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820050150, Cabin Branch Infrastructure and Roads Only Site Plan (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated June 1, 2007, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on June 14, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

APPROVED AS TO LEGAL SUFFICIENCY  
*[Signature]* 8/31/07  
MONTGOMERY COUNTY LEGAL DEPARTMENT

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

WHEREAS, on June 14, 2007 the Planning Board approved the Final Water Quality Plan and the Infrastructure and Roads Only Site Plan subject to conditions on the motion of Commissioner Perdue; seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Hanson, Wellington, Perdue and Robinson voting in favor of the motion.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 19, the Montgomery County Planning Board approved Final Water Quality Plan No. 820050150 for the infrastructure components of Site Plan No. 820050150 subject to the following conditions:

1. Reforestation of the stream buffer is to begin in the first planting season after the issuance of the first grading permit by the Montgomery County Department of Permitting Services (DPS).
2. A five-year maintenance period shall be required for all planted areas credited toward meeting the requirements of the forest conservation plan.
3. No encroachment into stream buffers for stormwater management facilities or sediment control facilities is allowed without permission of the Planning Board, except for necessary outfalls and temporary sediment control facilities in non-forested portions of the stream buffers. If at later stages of stormwater review and design it is determined that the stormwater management facility is not properly sized and must be enlarged to accommodate the proposed drainage areas, the applicant will have to find additional space outside the stream buffer. This may require the reconfiguration of layouts and loss of developable area.
4. Conformance to the conditions as stated in the DPS letter dated February 22, 2007 approving the elements of the SPA water quality plan under its purview.
5. Amendments to the forest conservation plan must be submitted and approved by the Planning Board with all future site plans, mandatory referrals, and special exceptions prior to any clearing and grading.
6. All on site environmental buffers/stream buffers must be planted prior to any off-site forest planting or before off-site forest conservation credits can be applied to meet the overall planting requirements of this forest conservation plan.
7. A Final Water Quality Plan for each detailed site plan must be submitted, which may amend the Final Water Quality Plan approval for the Infrastructure Plan.

This Final Water Quality Plan does not approve the elements in the detailed site plans.

BE IT FURTHER RESOLVED that all design components as described in the letter from the Montgomery County Department of Permitting Services dated February 22, 2007, including the Stormwater Management Concept shall be required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES the Infrastructure and Roads Only Site Plan No. 820050150 to accommodate 1,886 residential dwelling units, 500 senior units and 2,436,000 square feet of retail and employment, including 635 Transfer Development Rights (TDRs), and 236 Moderately Priced Dwelling Units (MPDUs), on 535.04 acres subject to the following conditions:

1. Development Plan Conformance

The proposed development shall comply with the binding elements listed in Local Map Amendment G-806 and the associated Development Plan.

2. Preliminary Plan

The proposed development shall comply with the conditions of approval for Preliminary Plan 12003110A (formerly 1-03110A) as listed in the Planning Board opinion dated June 22, 2004.

3. Site Design

a. Each detailed site plan application shall be reviewed and evaluated for the specific uses proposed to create the proper design character appropriate for the type of development. Within the basic framework established by the major roads approved by this Infrastructure Plan and required by the Preliminary Plan Adequate Public Facilities approval, (Maryland Route 121, Cabin Branch Parkway, Broadway Street, West Old Baltimore Road between Maryland 121 and Broadway Street, and Little Seneca Parkway [aka Newcut Extended]), other streets within the grid system may be modified at the request of Staff or the Planning Board during the review of the detailed site plans to include location, urban design elements, such as street walls, street alignment, unifying architectural treatments, pedestrian friendly environments and landscape treatments.

b. The Applicant shall retain a town architect to oversee the design characteristics of Cabin Branch, including review of architectural treatments for individual residential units and commercial building design and layout. The architect shall be a registered architect with experience in town planning, and shall develop design guidelines to provide for thematic consistency of

architectural design for Cabin Branch. These will include but are not limited to architectural form, relationship to the street, pedestrian walkability and a focus on public space.

- c. Design guidelines shall be submitted and approved by the Planning Board with the first detailed site plan, and shall be binding upon the developer and builder.

4. Amendments

- a. Any major changes to the Infrastructure Plan, such as increased height of retaining walls, significant grading impacts, relocation of public roads and utilities or modifications to the streetscape elements, will require an amendment to the Plan and be reviewed by the Planning Board.
- b. Provide documentation of any minor changes to the Infrastructure Plan with each site plan application. An as-built Infrastructure Plan will need to be provided with the last site plan application to document all of the minor changes.

5. Streetscape

- a. The Applicant shall provide a consistent streetscape, including streetlights and street trees on the primary public roads, such as 1<sup>st</sup> and 2<sup>nd</sup> Avenue, MD 121 and Tribute Parkway. The street trees on these streets shall be spaced a minimum of 30 feet—on center and street lighting should be provided to accentuate the streetscape.
- b. The Applicant shall incorporate the Thematic Landscape and Lighting Plan into the future detailed site plans for street trees, spacing type of light fixtures, planting treatments within alleys, medians and streets.

6. Pedestrian Circulation

Provide an 8-foot wide asphalt bike path on the south and east side of MD 121, west side of 2<sup>nd</sup> Avenue (Broadway Street) and on the south/west side of Streets G and H, northeast side of Street Z, adjacent to the proposed school site, south side of Street P, east side of Street M and FF and the north side of West Old Baltimore Road, or as directed by staff in subsequent site plans.

7. Recreation Facilities

- a. Provide a Local Park site to include the facilities as described in condition 8 below.
- b. Remove the community facility (pool/clubhouse) from the future Park site and relocate the facility to a more centralized location convenient to the residents

and overall community. The location of the pool/clubhouse shall be identified with the first residential detailed site plan.

- d. Provide the community-wide open space and a trail system of the minimum recreational concept for the overall Cabin Branch development. The exact locations, dimensions and sizes of these facilities will be determined with the corresponding site plan.
- e. Each detailed site plan application shall update the overall recreational concept to provide for individual facilities and a cumulative reporting of the community-wide facilities within the Cabin Branch development.

8. M-NCPPC Park Facility

The applicant shall comply with the following conditions of approval from M-NCPPC-Park Planning and Research Analysis in the memorandum dated May 18, 2007:

- a. Applicant to dedicate to M-NCPPC the agreed upon 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 Old Baltimore Road. The northern portion of the dedicated land that is suitable for active recreation is to be at least 10 acres of contiguous usable land divided only by the historic home (including circular driveway) that is to be dedicated to the HOA or other party acceptable to M-NCPPC staff. Parkland to be conveyed by time of record plat and conveyed free of trash and unnatural debris and park boundaries staked and signed to distinguish from private properties.
- b. Within the dedicated local park acreage, Applicant to provide, at Applicants expense, the park's most needed active recreational facilities and amenities to include at least one (1) adult sized soccer field, multi-age playgrounds acceptable to M-NCPPC staff, a picnic area with 2 shelters, 8' minimum width hard surface trails within the park to serve the various facilities (10'-wide where needed for maintenance access), a drinking fountain, park signage and information kiosks, portable restroom pad and enclosure, appropriate fencing for safety purposes along the retaining wall (acceptable to M-NCPPC staff), park landscaping, and local park parking for at least 120 cars, including at least 60 spaces on the dedicated parkland. The area where the softball field was shown on the Preliminary Plan (area north of the historic house) must be graded and seeded to provide an open play field. The size and grading will be coordinated with the Parks Department. 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 dedication and facility layout to be substantially as set forth on the attached

- Park Site Exhibit, 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 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.
- c. No retaining walls or stormwater management ponds or facilities to be located on dedicated parkland.
  - d. Applicant to construct hard surface and natural surface trails on dedicated parkland and throughout the community to connect open spaces, the 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 for the communities and businesses within the subdivision. Trails within parkland to be constructed to park standards and specifications.
9. Maintenance Responsibility  
The Applicant, its successors/assignees, and/or the successor HOA shall be responsible for maintaining community-wide amenity features such as HOA playgrounds, HOA open spaces, retaining walls, parking facilities, streetscape elements and natural features.
10. Transfer Development Rights (TDRs)  
Prior to recording of each plat, the applicant shall provide verification that the numbers of TDRs relevant to that plat have been acquired. Applicant shall maintain a continuing calculation with each Site Plan, reflecting the number and type of approved dwelling units and the proportional number of associated TDRs under the formula established in the Development Plan and Preliminary Plan.
11. Moderately Priced Dwelling Units (MPDUs)  
The applicant shall comply with the following conditions of approval from the Department of Housing and Community Affairs in the memorandum dated April 25, 2007:
- a. The proposed development shall provide (12.5 percent) MPDUs (of the total number of dwelling units) on-site.
  - b. The Applicant will be required to provide an overall map of the location and number of MPDUs in the Cabin Branch community and a cumulative reporting with each detailed site plan.



12. School Site

The Applicant shall comply with the conditions of approval from the Montgomery County Public Schools in the memorandum dated March 22, 2007.

13. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated May 31, 2007:

- a. The applicant must comply with the current and future State Highway Administration (SHA) and Department of Public Works and Transportation (DPWT) regulations and with the letters of support from SHA and DPWT attached hereto.
- b. The road improvements set forth in the Road Improvement Phasing Plan approved as part of the Phase I Preliminary Plan shall be open to traffic before building permits for the subsequent sub phase of development may be issued.
- c. The applicant must either obtain a waiver from DPWT to allow street trees in a panel less than six feet wide or make adjustments to their plan in order to provide for a minimum of six foot wide planting areas.
- d. The applicant must provide at least one handicapped-accessible crosswalk for pedestrians and bicyclists crossings between the adjacent land uses.
- e. The applicant must design all roundabout in accordance to FHWA/SHA guidelines.
- f. *The applicant must provide minimum curb return radii of 30' on arterials, 25' on commercial/industrial, primary and secondary roads, 20' on tertiary roads and 15" on alleys, adjusted as necessary for local conditions such as trucks and school buses.*
- g. The applicant must identify and obtain waivers from the Planning Board for horizontal curves that are less than minimum standard.
- h. Within 60 days of approval of the Infrastructure Site Plan, Applicant will prepare and submit a limited amendment to the Infrastructure Site Plan to provide for an Alternatives Analysis for that portion of West Old Baltimore Road between I-270 and Broadway Street, including a possible no-build option, for review and approval by the Planning Board, based on review by DPWT, M-NCPPC Staff and residents along West Old Baltimore Road. Based upon this analysis, Staff will provide a recommendation for approval by the Planning Board for the design parameters and construction of this portion

of West Old Baltimore Road. The alternatives analysis shall study the following: a) vertical and horizontal alignment/typical sections; b) extent of easements necessary outside the right-of-way; c) potential impacts to existing septic systems, wells and structures; d) clearing and grading impacts; e) park impacts; f) location of the bike path; g) auxiliary turn lanes and traffic controls; h) sight distances; and i) the no-build option.

- i. The applicant must provide a pedestrian connection between the intersection of Streets O and J to the intersection of Streets T and H.

14. Forest Conservation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated May 22, 2007 and with the conditions of approval as specified in the Final Water Quality approval:

- a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits. No clearing or grading is permitted with the infrastructure plan.
- b. Record plat of subdivision shall reflect a Category I conservation easement over all areas of stream buffers and forest conservation.

15. Historic Preservation

The proposed development is subject to the following conditions of approval from the Historic Preservation Commission dated December 22, 2006:

- a. Parking lots will not be constructed within the environmental setting of the historic resource.
- b. The circular drive around the historic house will be maintained in gravel.
- c. Any tree 6' in diameter (DBH) or larger proposed to be removed within the environmental setting of the historic site will require approval by the Historic Preservation Commission.
- d. The proposed changes within the 5-acre environmental setting (i.e. new construction, grading changes, tree removal, fence installation, retaining walls and alterations to the historic house) will require review and approval through the Historic Area Work Permit process (HAWP).
- e. The environmental setting of the historic resource remains the original boundaries of Parcel 747, which is 5.31 acres in size.

- f. The installation of activity lighting on the ball fields is prohibited.
  - g. The applicant will remove non-historic elements and rehabilitate the exterior of the house. The applicant will receive approval from the HPC for applicable projects.
16. Fire and Rescue  
The proposed development is subject to the conditions of approval from the Montgomery County Fire and Rescue Service dated March 7, 2007.
17. Stormwater Management  
The proposed development is subject to Stormwater Management Concept approval conditions dated May 13, 2004, unless amended by the Department of Permitting Services.
18. Common Open Space Covenant  
Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff during the detailed site plan process to insure that Applicant's recorded Homeowners Association Documents are incorporated by reference in the Covenant.
19. 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.

The Development Program for the Infrastructure Plan shall include a phasing schedule as follows:

- a. Phasing of MPDUs.
- b. Grading and timing for the construction of the Local Park.
- c. Prior to the release of the 650<sup>th</sup> residential building permit, the Applicant shall obtain a building permit for the community pool and center.

20. Clearing and Grading

The following may proceed upon approval of the Infrastructure Site Plan, Sediment and Erosion Control Plans and Forest Conservation Plan: a) clearing and mass grading for the roads being approved by this Infrastructure Plan and the local park and school site; b) installation of temporary sediment and erosion control devices; c) the installation of the trunkline sewer (DA 3326); and d) the installation of the water main along Maryland Route 121. No construction of roads, buildings or retaining walls may proceed until subsequent certified Site Plan approvals for each individual Site Plan. Notwithstanding the above, clearing and grading activities, with the exception of the water and sewer projects, may not be permitted beyond the limits of disturbance submitted as part of the current site plans for Nos. 820060180, 820060240, 820060290, 820060300, 820060350 and 820070140.

21. Certified Site Plan

Prior to certified site plan approval of 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.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Forest Conservation easement areas.
- f. MPDU, TDR, and recreation facility concept.
- g. Location of outfalls away from tree preservation areas.
- h. Environmental setting protecting the historic resource or site.

BE IT FURTHER RESOLVED that all site development elements as shown on Cabin Branch Infrastructure and Roads Only Site and Landscape Plan drawings stamped by the M-NCPPC on April 16, 2007, shall be required, except as modified by the above conditions of approval; and

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

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

If amended in accordance with recommended conditions, the proposed development is consistent with the approved Development Plan (G-806) in land use, density, location, and building height and development guidelines.

The nine binding elements from Development Plan G-806 are listed numerically and in italics, followed by the Planning Board finding:

a. *Transferable Development Rights and Moderately Priced Dwelling Units*

*The Property that is subject to this application (283.5 acres) is part of a larger, mixed-use community planned for 535 acres shown on the Development Plan, of which the Applicants are also owners. The portion of the property not being rezoned MXPB, is zoned RMX-1/TDR and will require the purchase of Transferable Density Rights (TDR's) for the development planned by Applicants. Based on calculations developed with M-NCPPC staff, the total Master Plan residential density for the 535-acre community is 1,676 market rate units plus 210 Moderately Priced Dwelling Units. Assuming this density and the mix of unit types called for in the Master Plan for the entire Cabin Branch Neighborhood (including a maximum of 20% multi-family) the 535-acre project will require 635 TDR's. The Preliminary Plan of Subdivision application(s) for the MXPB area and the remaining RMX-1/TDR area shall require the purchase of TDR's in conformance with this calculation.*

The 635 Transferable Development Rights will be provided for the portion of property zoned RMX-1/TDR. The number of MPDUs provided is in excess of the binding element by 26 for a maximum of 236 MPDUs.

b. *Off-Site Amenities and Features*

*By the time of issuance of building permits for the 100<sup>th</sup> dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan for an elementary school, a local park and a recreation facility. The school site will be rough-graded at a time determined at the earliest Preliminary Plan of subdivision application for the Cabin Branch Community, subject to Montgomery County Public School approval.*

This binding element does not apply to the Infrastructure Plan since development standards and actual units are not proposed at this time. The Applicant is permitted to grade in accordance with Condition No. 20 which is consistent with this binding element.

c. *Trip Reduction Measures*

*At the time of Preliminary Plan of Subdivision, the Applicant, M-NCPPC Transportation Planning staff, and Department of Public Works and Transportation (DPWT) staff will consider mutually acceptable trip reductions*

*measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.*

Trip reduction goals were established during the preliminary plan approval and will be further analyzed at the first development site plan phase. The parking ratios for the non-residential uses will be determined during the first site plan for that type of development. Trip reduction goals will be considered during that review and will be consistent with the proposed uses.

d. Street Network

*A network of public streets shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that, with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in the Road Hierarchy Plan of the Development Plan and that are subject to M-NCPPC and DPWT approvals.*

The Applicant has provided a network of public streets in a grid pattern that is familiar to the neo-traditional type of development. The street network is patterned to develop a cohesive relationship with the variety of uses proposed in the Cabin Branch neighborhood. The public streets proposed are consistent with the Master Plan and hierarchy defined in the Development Plan.

e. Area D Street Network

*Area D will be designed with a public or private street connecting First Avenue (Route A-304) in a grid pattern with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear.*

Area D, between future A-302 (Newcut Road), Second Avenue and West Old Baltimore Road will be reviewed in more detail when the site plan for this portion of the site is submitted. This area will be further analyzed as part of the limited amendment required by Condition No. 13(h) to address impacts to the adjacent properties along this section of West Old Baltimore Road.

f. Street Character

*All streets will adhere to a pedestrian-friendly design to the extent practical, which places particular emphasis on a building line to frame the street, with parking in the rear. Within the core, pedestrian friendly uses including retail or office will be located on the first floor. The entire MXPDP area will conform to a Cabin Branch Community Streetscape Plan that is designed to integrate the entire community, which will be submitted at Site Plan and is subject to M-NCPPC and DPWT approvals.*

The public streets have been designed to foster a pedestrian friendly environment, where possible, and to promote active streets that interact with the streetscape plan.

*g. Special Roads*

*A-307 will be designed as an open section arterial road with wide green edges to provide a gateway to Black Hill Regional Park, subject to M-NCPPC and DPWT approvals. The rural character of West Old Baltimore Road will be maintained by minimizing environmental impacts and providing generous green edges.*

A-307 has been designed as an open-section 80-foot-wide arterial road with green edges that line up with the entrance to Black Hill Regional Park. West Old Baltimore Road was not reviewed with the Infrastructure Plan in terms of impact to adjacent properties, including Black Hill Regional Park, but will be reviewed as a limited amendment. The road is proposed as a two-lane arterial roadway with changes to vertical and horizontal alignment. The Applicant is required to submit a limited amendment and alternatives analysis in accordance with Condition No. 13(h) to address impacts to adjacent properties including alignment, necessary easements, well and septic, clearing and grading, park boundaries, sight distance and a no-build option.

*h. Service/Public Uses*

*Service/Public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care or continuing care.*

This binding element does not apply to the Infrastructure Plan.

*i. On-street Parking*

*Applicants will include on-street parking on streets adjacent to retail facilities.*

On-street parking has been incorporated into many of the public streets and will be further analyzed with each development site plan application.

2. *The Site Plan meets all of the requirements of the MXPB and RMX-1/TDR zones and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the applicable requirements of the MXPB and RMX-1/TDR Zones as demonstrated in the project Data Table shown below. No development information is required or being provided with the Infrastructure and Roads Only Site Plan for numbers and types of units, setbacks, building height, green area and number of parking spaces. The first development site plan will

establish the number and types of units, the minimum setbacks and building restriction lines, maximum building heights and coverage requirements in terms of lot area, open space and green space for the respective zones.

**Requirements of the MXP/DMX-1/TDR zones**

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the MXP/DMX-1/TDR Zones. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

**Data Table**

Development Standards Approved by the  
 Planning Board and Binding on the Applicant

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Total Tract Area:	535.04 Acres	
Zoning:	RMX-1/TDR (251.54 acres)	
	MXP/DMX (283.50 acres)	
Public Water System Category:	W-3	
Public Sewer System Category:	W-3	
Max. Density of Development:	1,886 residential dwelling units, 500 senior units and 2,436,000 square feet of non-residential <sup>1</sup>	
Unit Mix Required by the Clarksburg Master Plan:	One-family detached	45-55%
	One-family attached	35-45%
	Multi-family	10-20%

No development information is required or being provided with the Infrastructure and Roads Only Site Plan for numbers and types of units, setbacks, building height, green area and number of parking spaces. All of these elements of the site plan will be established and reviewed during each development site plan submittal.

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- The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

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<sup>1</sup> The Development Plan (Local Map Amendment G-806) approved 1,676 market rate and 210 Moderately Priced Dwelling Units (total 1,886); however, the Preliminary Plan (12003110A) only approved 1,600 residential dwelling units, 1,538,000 square feet of non-residential and 500 elderly housing units. Phase II of the Preliminary Plan has been submitted for review to increase the total number of residential dwelling units to 1,886 and 2,436,000 square feet of non-residential. Phase II has not been approved.



a. Buildings and Structures

No buildings have been proposed with the Infrastructure and Roads Only Site Plan. Each development site plan will show the location of each building and structure. The historic building (#13/24) remains as a dominant structure in the center of the overall site that bifurcates the proposed park.

Retaining walls have been shown on the Infrastructure site plan and minimized to the extent possible to address grading concerns with the preliminary plan approval. A retaining wall exhibit was submitted and reviewed with the Infrastructure and Roads Only Site Plan. The retaining walls on the west side of the park property have decreased in height from 50 feet to three tiered, 30-foot-tall retaining walls at the highest point since the time of preliminary plan approval. The series of walls are expansive but have been minimized to the extent possible for safety and efficiency of the grading on the site. At the hearing, the Applicant agreed to further minimize the series of retaining walls in the park site area by grading and seeding the area north of the historic house to provide for an open play field.

b. Open Spaces

The plan proposes a significant amount of open space, which consists primarily of stream buffers, stormwater management facilities and the proposed park and school sites. The future site plans will have to provide the required green area consistent with the requirements of the RMX-1/TDR Zone and previous development plan and preliminary plan approvals. The future site plans will provide updated open space and green space calculations, which will consist of areas between the units and along the perimeter of the property, in addition to the green area network of stream valleys, stormwater management facility areas, and park and school site field areas.

c. Landscaping and Lighting

The proposed landscaping and lighting consists of a varying treatment within the public rights-of-way, as outlined in the Thematic Street and Park Character guidelines ("Thematic Plan") presented by the Applicant. All of the agencies have had an opportunity to review the placement, types and species and spacing of the street trees to avoid conflicts in the design phase and during construction. The Thematic Plan also identifies the type of plant material appropriate within the medians and roundabouts, as well as acceptable lighting and accent material for crosswalks and sidewalks.

However, the exact species and location of street trees will be identified with each development site plan, and will stress the character of the species and spacing associated with the particular use.

d. Recreation Facilities

The overall recreation facilities have been incorporated into the park and school site that include ball fields, playgrounds, picnic shelters and pathways. In addition to the programmed facilities, the development will provide for natural features such as the stream valleys with integrated trails. Recreation facilities are based upon a calculation of the number and type of unit provided within the development, as well as community facilities offered by the Applicant.

Each development site plan that includes residential development will need to be updated to show compliance with the M-NCPPC Recreation Guidelines and overall facilities guidelines for the Cabin Branch Development.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is adequate, safe and efficient throughout the entire site.

The primary access points to the site are from multiple locations along MD 121 (Clarksburg Road), West Old Baltimore Road and future Little Seneca Parkway (A-302). The state is proposing intersection improvements at I-270 with Clarksburg Road and Little Seneca Parkway. Two roundabouts are proposed on Clarksburg Road at the first intersection (Street A) that provides primary access to the Gosnell tract to the north, and Adventist Healthcare and the retail section to the south. The second roundabout on Clarksburg Road is located at the intersection with 1<sup>st</sup> Avenue (Cabin Branch Avenue), which is the primary route to the retail center and a major spine within the community that connects to Little Seneca Parkway. Two internal roundabouts are proposed on Little Seneca Parkway at the intersections with 1<sup>st</sup> and 2<sup>nd</sup> Avenues.

Second Avenue is an arterial road and is the primary spine within the community that connects Clarksburg Road and West Old Baltimore Road. Two additional important access points to the site include Street G (Bryne Park Drive), which follows the eastern boundary of the school and park site and Street Z, which is the primary access to the school. Street Z also provides access to a future residential portion of the development that includes primarily one-family detached and attached housing.

The overall Cabin Branch neighborhood will contain an eight-foot-wide shared use path (Class I bikeway) on the external boundaries of the site, including the north side of West Old Baltimore Road, that connects and continues to the east side to connect with the bike paths for the Summerfield Crossing (8-03034) and Martens (8-02039) developments. The bike path on West Old Baltimore Road connects with the bike path on the east side of Clarksburg Road (MD 121). This path terminates at the future interchange for I-270. Internally, the 8-foot-wide bike path follows Street Z on the west side of the proposed school site, and bifurcates the school and park site to connect with the alignment on Street G. The path follows the west side of Street G and H and the north side of Street P to finally connect to the proposed bike path on Little Seneca Parkway.

Five-foot-wide internal sidewalks will also be provided for all of the public streets to facilitate pedestrian circulation throughout the development.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

No structures or uses are proposed with this application, with the exception of retaining walls. However, the infrastructure and internal grid system establishes the pattern of uses based upon location, importance of road network, location of natural resources and proposed uses identified as part of the approved preliminary and site plans. Each structure and use for the subsequent development site plan applications will be evaluated for compatibility with the existing and proposed adjacent development.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

- a. **Forest Conservation**

The applicant, Cabin Branch LLC, has submitted a final forest conservation plan with the Infrastructure and Roads Only Site Plan. This plan will be the guide for all future development site plans, special exceptions, and mandatory referrals. The development shown on the forest conservation plan is conceptual in nature and is being refined with individual development site plans. Therefore, the applicant must amend the forest conservation plan with each future development site plan to properly depict the forest conservation plan including the final grades, infrastructure, lot layouts, and building locations.

The applicant is proposing to remove 64.77 acres of forest, retain 65.03 acres of forest and plant 73.21 acres of forest. The applicant will plant 36.77 acres of forest on site. Part of the property is developed using an optional method of development. Section 22A-12(f) of the forest conservation law requires properties developed under an optional method of development to meet certain forest retention requirements on site. The forest conservation plan indicates that the applicant will meet the conservation threshold onsite and that they will meet all planting requirements through a combination of onsite forest retention, onsite planting of unforested stream buffers, and landscape credit.

Under M-NCPPC's implementation of the Special Protection Area regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. Since the property includes land both in and out of the SPA and the tributaries drain to a common water body, the planting requirements will be treated as if the entire site were located within the Clarksburg SPA. Therefore, the Planning Board has required the forest conservation plan to include planting in 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. In addition, the applicant is required to plant all onsite planting areas prior to being allowed to use offsite mitigation credits. Since the property is within the Clarksburg Special Protection Area, all off site reforestation areas should be directed to planting unforested areas within the SPA.

b. Tree Save

Environmental Planning staff previously requested the applicant to preserve a 68-inch diameter at breast height (dbh) sycamore tree that is located outside of the stream buffer and is in good condition. Staff first requested preservation prior to the rezoning case. The tree has a circumference of 213 inches, which is 85 percent of the County champion sycamore tree.

There is a condition of approval of the preliminary water quality plan requiring the applicant to *"minimize the amount of fill used throughout the site to reduce the loss of groundwater hydrology supporting the headwater wetlands, and to better preserve the hydrology necessary for existing vegetation in stream buffers. After minimization has been conducted, opportunities shall be examined at site plan to retain the 68-inch dbh specimen sycamore tree and reduce the need for extensive retaining walls"*. The applicant has worked to minimize amount of fill but has not adequately addressed this condition.

The applicant submitted "Sycamore Tree Removal Study" in June 2006 but has not updated that submission. The plan submitted in 2006 shows the tree in a stormwater management facility. The infrastructure site plan shows the tree in a median between a parking lot and a roadway. Therefore, a new study is required that reflects the layout on the infrastructure plan. This revised study should be reviewed concurrently with the appropriate development site plan.

c. Environmental Guidelines

The NRI/FSDs for the various properties included in this Site Plan identified the environmental buffers. Environmental buffers include wetlands and wetland buffers, floodplains, and streams and stream buffers. As part of the *Environmental Guidelines*, the stream buffer must be reforested. Where trees do not currently exist in the stream buffers, the applicant will plant new forests. The applicant will place forest conservation easements on the environmental buffers and all forest retention areas.

d. Stream Buffer Encroachments

The only encroachments into the environmental buffers associated with this plan are necessary stormwater management conveyances, some utilities, natural surface trails, widening of West Old Baltimore Road, and construction of A-302 (Little Seneca Parkway)/I-270 Interchange.

e. Protection of Seeps, Springs and Wetlands

One of the performance goals for this final water quality plan is to protect springs, seeps, and wetlands. The applicant has not provided DPS with sufficient information to determine what impacts deep cuts and fill areas will have on groundwater recharge and stream base nor does Environmental Planning believe sufficient information is submitted to protect springs, seeps and wetlands. Condition No. 2 of the May 13, 2004 DPS approval of the preliminary water quality plan requires the applicant to "Provide a geotechnical study/evaluation of the potential effect that the proposed deep cut and fill areas will have on groundwater recharge and stream base flow." DPS is responsible for determining and ensuring the performance goals are achieved. It is M-NCPPC's responsibility to protect seeps, springs, and wetlands through the delineation of stream and wetland buffers.

The applicant has not addressed Condition No. 2 of DPS' approval of the preliminary water quality and this is reflected by Condition No. 2 of the DPS February 22, 2007 approval of the final water quality plan which

states *"Additional geotechnical study and evaluation will need to be done to determine the feasibility of groundwater recharge at the proposed locations. It is likely that groundwater will be encountered below some of the end of lines sand filters. In this case additional upland recharge areas will be required. This may affect lot yield. Note that extra recharge volume was required in the Preliminary Water Quality Plan approved (150% of MDE requirement) due to the lack of open section roads and deep cuts and fills that are proposed."* The Planning Board incorporates the Environmental Planning memorandum dated May 22, 2007 requiring the applicant to address this comment prior to the approval of individual development site plans while there is still opportunity to provide the upland recharge.

g. Site Imperviousness

There are no impervious limitations within the Clarksburg SPA; however, the Special Protection Area regulations allow M-NCPPC to review imperviousness and to work with the applicant to reduce imperviousness. The estimated impervious amount proposed for the entire site is less than 45 percent. The impervious amount will be refined with the submission and approval of individual development site plans. Impervious data is not available for sites of this size and mixture of units and square foot of commercial/office space.

h. Site Performance Goals

As part of the final water quality plan approved with this Application, several site performance goals were established for the project:

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

i. Stormwater Management

To help meet these performance goals, the stormwater management plan requires water quality control and quantity control to be provided through an extensive system of linked best management practices (BMPs).

Thirteen extended detention dry ponds will provide stormwater quantity control. These facilities are designed with a maximum retention time of 12 hours for the one-year storm. Stormwater quality control is provided via a treatment train consisting of recharge structures, surface sand filters, bio-filtration structures, dry swales, structural water quality inlets and vegetated buffer filtering.

Redundant sediment control facilities are required during construction of the site. This means upland sediment traps will drain to secondary traps downgrade. DPS will not allow silt fences as only perimeter control.

The proposed stormwater management concept and preliminary water quality plan consists of on-site channel protection measures via thirteen 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 filter (in series), biofiltration structures, dry swales structural water quality inlets (both filtering and flow-through) 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.

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 Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this resolution is SEP 19 2007 (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).

\* \* \* \* \*

At its regular meeting, held on Thursday, September 6, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by

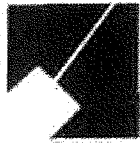
Commissioner Bryant, with Commissioners Hanson, Bryant, and Robinson voting in favor, and Commissioners Cryor and Lynch abstaining, **ADOPTED** the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 820050150- Cabin Branch Infrastructure and Roads Only Site Plan.



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Royce Hanson, Chairman  
Montgomery County Planning Board





**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

*MAC 5/23/08*  
\_\_\_\_\_  
Approved by the Chairman  
M-NCPPC Planning and Zoning Commission

ATTACHMENT F

MCPB No. 08-68  
Site Plan No. 82005015A  
Cabin Branch Infrastructure Plan  
Page 2

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-NCPPTC-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.

ATTACHMENT F

MCPB No. 08-68  
Site Plan No. 82005015A  
Cabin Branch Infrastructure Plan  
Page 3

- 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

ATTACHMENT F

MCPB No. 08-68  
Site Plan No. 82005015A  
Cabin Branch Infrastructure Plan  
Page 4


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



ATTACHMENT G

# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 08-96  
 Site Plan No. 820060290  
 Project Name: Cabin Branch-Winchester I  
 Date of Hearing: June 19, 2008

OCT 20 2008

## MONTGOMERY COUNTY PLANNING BOARD

### RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on November 6, 2006, Cabin Branch Management, LLC c/o Winchester Homes, Inc. ("Applicant"), filed an application for approval of a site plan for 427 residential dwelling units, consisting of 149 one-family detached, 182 one-family attached (townhouse) and 96 two-over-two multi-family units, including 64 MPDUs and 128 TDRs, as well as a local park and future school site ("Site Plan" or "Plan") on 141.26 acres of MXPd and RMX-1/TDR -zoned land, located in the northwest quadrant of the intersection of I-270, MD 121 (Clarksburg Road) and West Old Baltimore Road and part of a larger 535-acre property ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820060290, Cabin Branch-Winchester I (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated June 9, 2008, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on June 19, 2008, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on June 19, 2008 the Planning Board approved the Application subject to conditions on the motion of Commissioner Robinson; seconded by

Approved as to  
 Legal Sufficiency:

*DRK 10/8/08*

8787 Georgia Avenue, NCRCS Building, Department 2010 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Commissioner Cryor; with a vote of 3-0, Commissioners Cryor, Hanson and Robinson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 19, the Montgomery County Planning Board APPROVES Final Water Quality Plan for Site Plan No. 820060290 with the following conditions:

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 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. Additional recharge must be provided in the drainage area of Pond #13. 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 the overall site is providing nearly 150%, the area draining to Pond #13 is well below the normal (100%, the minimum for this area) requirement. Since a large portion of this drainage area is to be private (sidewalks, bike paths, alleys, driveways, and streets), the use of porous pavement would negate the impact on lot yield while spreading recharge of a large area.
3. Additional geotechnical study and evaluation will need to be done to determine the feasibility of groundwater recharge at all of the proposed locations.
4. All recharge and upland water quality structures must be a minimum of five feet off of private property lines (including future phases).
5. Pond drains will be required for all of the Cpv structures due to the pond depth over the relatively small control orifice.
6. A formal dam breach study must be submitted for Pond #1. It appears that the existing culverts in West Old Baltimore Road will have to be replaced prior to pond construction. Additionally, the outfall from Pond #1 must be revised so that it won't adversely impact the proposed culvert wing walls.
7. Several ponds are shown with embankment grading in very close proximity to the stream valley buffers. As shown, the placement of sediment controls to construct the ponds will likely require some stream valley buffer encroachment.
8. Add an outfall flow spreader trench to the outfall of Recharge Structure RET-1102.
9. 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.
10. Surface water quality structures that are to be used for sediment control must have minimum undisturbed buffer of two feet from the bottom of the sediment trap to the bottom of the stormwater structure.

11. Provide level spreaders and/or plunge pools at all of the quantity pond outfalls. Also, pond outfalls are to be located at non-erosive (down slope) areas. This may require additional stream valley buffer encroachment.
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 being met.

AND NOW, THEREFORE, BE IT FURTHER RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820060290 for 428 residential dwelling units, consisting of 150 one-family detached, 182 one-family attached (townhouse) and 96 two-over-two multi-family units, including 64 MPDUs and 128 TDRs, as well as a local park and future school site, on 141.26 gross acres in the MXPB and RMX-1/TDR zone, subject to the following conditions:

1. Development Plan  
The proposed development shall comply with the binding elements listed in Local Map Amendment G-806 (resolution dated September 9, 2003) and the associated Development Plan.
2. Preliminary Plan  
The proposed development shall comply with the conditions of approval for Preliminary Plan 12003110A (formerly 1-03110A) as listed in the Planning Board opinion dated June 22, 2004, or as amended.
3. Infrastructure and Roads Only Site Plan  
The proposed development shall comply with the conditions of approval for the Infrastructure Plan 820050150 as listed in the Planning Board opinion dated September 19, 2007, or as amended.
4. Site Plan Amendments
  - a. Minor modifications to landscaping, lighting, recreation and paving materials may be approved by M-NCPPC and documented with M-NCPPC and Montgomery County Department of Permitting Services ("DPS") Site Plan Enforcement. These minor modifications include substitution of materials (planting, lighting, recreation facilities), relocation due to placement of utilities and modifications to grading. Minor modifications can be adjusted in the field only with the approval of M-NCPPC. Minor modifications shall be considered "Administrative" or "Director Level" amendments in accordance with the Development Manual procedures.
  - b. Major modifications to the site plan must follow the procedures outlined in Development Manual.
5. Design Guidelines

- a. The proposed development shall comply with the Design Guidelines dated June, 2008, or as amended and approved by the Planning Board. The following revisions shall be included in the revised submittal of the Design Guidelines:
  - i. The term "exception" shall be changed to "variation" to be consistent throughout the document.
  - ii. Add two new sentences to the end of Page 3, Section B.4 of the Design Guidelines to state: "Any variation from or exception to these guidelines must be approved by the Planning Director or their designee. Any modification to these guidelines must be approved by the Planning Board.
  - iii. Add a new sentence to the end of Page 38, Section B of the Design Guidelines to state: "Any modifications or amendments to these guidelines must be approved by the Planning Board.
  - iv. Page 13, Section C-Variations needs to delete the number 5 and replace it with the number 10.
  - v. Remove the entire provision on Page 13, Section D. Design Intent and Conformance.
- b. The Design Guidelines incorporate by reference American Vignola: A Guide to the Making of Classical Architecture, by William Ware (Dover edition/republishing of the edition published by W.W. Norton and Company, Inc.-original edition c.1903), which the Town Architect shall use as a guide in reviewing building plans.
- c. A letter from the Town Architect shall accompany each site plan application stating that the proposed development complies with all of the aspects of the Cabin Branch Design Guidelines.
- d. An approval form from the Town Architect shall accompany each building permit application stating that the proposed building is in conformance with the approved certified site plan and with all of the aspects of the Cabin Branch Design Guidelines.
- e. Each building permit shall be reviewed by the Planning Director or his or her "designee" for conformance to the approved Design Guidelines. Unless the Director or his or her designee rejects the permit for non-compliance with the Design Guidelines within ten (10) days of receiving it, it shall be deemed approved. If the building permit application is regarded as not in conformance with the guidelines, then the Director or his or her designee and Town Architect shall meet to discuss the discrepancy. If the two parties cannot agree on a suitable approach to provide conformance to the guidelines, then the Planning Board will resolve the disagreement.
- f. The Design Guidelines for the NC/RC Commuter/General Retail and Healthcare/Office and Employment will be reevaluated with each respective site plan covering these areas, with respect to architectural features, site design, layout and circulation.
- g. The administration of the Design Guidelines shall be the responsibility of the Town Architect and the Cabin Branch Management, with the exception of



variations or exceptions to the guidelines, which shall be approved by the M-NCPPC Planning Director or his or her designee, and amendments, which shall be approved by the Planning Board. If the town architect and Planning Director or his or her designee disagree about the appropriateness of a proposed variation, then the proposed variation will be subject to Planning Board review and approval, where appropriate as a minor amendment to the site plan.

6. Site Design

- a. Cluster mailboxes shall be located in a central area so as not to interfere with pedestrian circulation and shall not disrupt the design of the community spaces in which they are located. The mailbox clusters in the privately maintained areas of the site shall include special paving leading from the street to the mailbox. The mailbox clusters in the public right-of-way shall include special paving, upon approval by the U.S. Postal Service, Montgomery County Department of Transportation ("DOT"), and/or DPS.
- b. Retaining walls not associated with the stormwater management facilities shall be no taller than 5 feet in any segment (grade to grade) and tiered for heights above 5 feet with a five foot planting strip between tiered segments.
- c. Identify the location of wayfinding signs for bike paths, walkways, community features, retail center attractions and amenities, including the park site and clubhouse.
- d. Identify the high visibility lots/units that require additional architectural treatments as indicated in the Design Guidelines.

7. Landscaping

- a. Provide the final streetscape guidelines for the overall development.
- b. Provide an alternative plant list for recommended substitutions.
- c. Plant material selections may be substituted according to the alternate plant list to address issues with availability of material, replacements and site considerations during construction.
- d. Locations of plant materials for the individual residential units may be adjusted with approval by M-NCPPC Staff. Any change in plant material related to foundation planting is required to be documented in the form of an as-built and shall be provided to M-NCPPC and DPS Site Plan Enforcement. An amendment to the site plan is not required for modifications to foundation planting associated with residential units.
- e. Provide street trees at a minimum spacing of 40 feet on center and a maximum spacing of 50 feet on center, except where physical site improvements do not allow for the spacing. Any deviation from the minimum standards needs to be approved in writing by DPS, DOT and M-NCPPC, if the spacing cannot conform to the minimum/maximum standards due to physical site improvements.

8. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.

- b. All on-site light fixtures, exclusive of those lights within the public right-of-way shall be semi cut-off fixtures.
  - c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
  - d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
  - e. The height of the private on-site light poles (Old World Post top light or equal), exclusive of those within the public right-of-way shall not exceed 15 feet in the common areas and private streets and 20 feet for those associated with Tribute Parkway, including the mounting base.
  - f. Lighting in the public right-of-way shall conform to the DOT and/or DPS standards for spacing, location and fixture type.
9. Pedestrian Circulation
- a. Provide an 8-foot-wide path (asphalt) within the public right-of-way on the west side of Bryne Park Drive/Fulmer Avenue, east side of Dunlin Street, south side of MD 121 and east side of Cabin Branch Avenue.
  - b. Provide an 8-foot-wide path (asphalt) between the future school site and Local Park from Dunlin Street to Bryne Park Drive and along the stream valley buffer to the Local Park parking lot. A public utility easement (PUE) shall be provided for paths not within the public right-of-way.
10. Recreation Facilities
- a. The Applicant shall meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
  - b. The Applicant shall provide the following recreation facilities: 36 picnic/sitting areas, 2 tot lots, 1 play lot, 1 open play area (type I), natural areas and trails as well as a regulation soccer field in the local park.
  - c. Identify the location of the community center/clubhouse on the plans.
11. M-NCPPC Park Facility
- The Applicant shall comply with the following conditions of approval from M-NCPPC-Park Planning and Stewardship in the memorandum dated May 20, 2008:
- a. The Applicant to dedicate and 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 continues south along the Little Seneca Tributary to Old Baltimore Road. The northern portion of the dedicated land that is suitable for active

recreation to be at least 10 acres of contiguous usable land divided only by the historic home (including circular driveway) that is to be sold as a market-rate unit. Parkland to be conveyed in fee simple by deed acceptable to M-NCPPC staff at time of record plat and conveyed free of trash and unnatural debris and park boundaries staked and signed to distinguish from private properties.

- b. The Applicant to work with M-NCPPC staff to finalize and clearly delineate on the Certified Site Plan, exact park dedication boundaries that are acceptable to Parks Department staff and are easy to identify, sign and manage, and that clearly distinguish between Parkland, HOA property, and private lots.
- c. No retaining walls or stormwater management ponds or facilities to be located on dedicated parkland.
- d. The Applicant shall provide, within the dedicated local park acreage, and at Applicants expense, the park's active recreational facilities and amenities to include one (1) adult sized soccer field, multi-age playgrounds acceptable to M-NCPPC staff, an open grass play area, a picnic area with 2 shelters, 8' minimum width hard surface trails within the park to serve the various facilities (10' wide where needed for maintenance access), a drinking fountain, park signage, information kiosks and decorative features, portable restroom pad and enclosure, appropriate fencing for safety purposes along any retaining wall or steep slopes (as acceptable to M-NCPPC staff), park landscaping, and local park parking for at least 120 cars, including at least 60 spaces on the dedicated 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 dedication and facility layout to be substantially as set forth on the Site 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 certified site plan approval.
- e. 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 and incorporated into the Certified Site Plan.
- f. The open grass play area adjacent to the historic house to include some relatively flat area(s), substantially as set forth on the Site Plan, suitable for informal ball type play. Final grading plan to incorporate this flat play area as acceptable to M-NCPPC Parks Department staff.
- g. The playground areas to be sized and located as set forth on the Site Plan and to include suitable play equipment that is typically constructed of 5 ½ inch diameter metal posts (powder coated) with a sufficient equipment assortment to

- substantially fill the playground area inside the safety zones. One area is to contain equipment suitable for very young children and the other play area to contain equipment suitable for school age children. Edging for play areas to be concrete. Equipment choice and layout to be acceptable to M-NCPPC park staff.
- h. Picnic shelters are not to be located as entrance features to the park from the end of Tribute Parkway. Park entrance features details to be coordinated with M-NCPPC park staff and be acceptable to staff.
  - i. Final details including general arrangement and species choice for plantings on parkland to be substantially established by time of Certified Site Plan, with some final minor alterations to be allowed in the Local Park area during the park permitting process without site plan amendment.
  - j. Applicant to construct hard surface and natural surface trails on dedicated parkland and throughout the community to connect open spaces, elementary school and parkland together in an accessible, pedestrian friendly manner. Trails in the local park area to be substantially as set forth in the Site Plan and Applicant to work with M-NCPPC staff prior to certified site plan approval to establish exact locations and surfacing of needed trails in order to provide recreational opportunities to the communities and businesses within the subdivision. Trails within parkland to be constructed to park standards and specifications.
12. Maintenance Responsibility  
Community-wide amenity features such as HOA playgrounds, HOA open spaces, and a portion of the environmental setting, retaining walls, parking facilities, streetscape elements and natural features shall be maintained by Cabin Branch Management, LLC until completed and turned over to the HOA, at which time the HOA will be responsible.
13. Transfer Development Rights (TDRs)
- a. Prior to recording of each residential plat for the Winchester I site plan, the Applicant shall provide verification that the proportional number of TDRs relevant to that plat have been acquired for the proposed development.
  - b. The Winchester I site plan is required to acquire 128 TDRs.
  - c. The total development for Cabin Branch will be required to provide 609 TDRs, assuming approval of the mix and density approved in the Development Plan and Infrastructure Site Plan.
14. Moderately Priced Dwelling Units (MPDUs)  
The Applicant shall comply with the following conditions of approval from the Department of Housing and Community Affairs in the memorandum dated April 25, 2007:
- a. The Applicant shall provide 64 Moderately Priced Dwelling Units (15% of the total number of units) for the Winchester I site plan, consistent with Chapter 25A. The

minimum number of MPDUs required for the Winchester I site plan is 54 (12.5% of the total number of units), with the additional 10 MPDUs counting toward the requirement for future sections.

- b. The total development for Cabin Branch must provide 12.5 percent (236 MPDUs assuming the density approved in the Development Plan and the Preliminary Plan) for the total number of dwelling units.
- c. The MPDU agreement to build shall be executed prior to the release of the first building permit.
- d. All of the required MPDUs shall be provided on-site.

15. School Site Dedication

The Applicant shall comply with the conditions of approval from the Montgomery County Public Schools in the memorandum dated March 22, 2007:

- a. The school site parcel shall be dedicated to Montgomery County Public Schools prior to issuance of the 100<sup>th</sup> building permit and shall be rough graded by issuance of the 428<sup>th</sup> building permit within this section of Cabin Branch.
- b. Realign the stormwater management vehicular access easement through the area where a team bench will be installed next to the softball field. The access alignment will need to be shifted to avoid the bench, as there is no room to shift both the bench and softball field. Should a retaining wall be necessary to support the re-alignment, the cost of construction and future maintenance would be the responsibility of the HOA. The certified site plan must reflect that the access for the HOA swm parcel along Clarksburg Road be from the school bus loop and remain unpaved. Use of that access must not preclude or hinder the operation of the bus loop. The plan must also reflect that the vehicular access to the swm facility be solely from Bryne Park Drive so no vehicular access of any type will be needed on this portion of the school property.
- c. 95% of the site is constructed on fill and the depth of that fill is very deep across the majority of the site. Neither infiltration nor groundwater recharge is permitted in fill. At a minimum, upon the construction of an off-site facility that provides the recharge required for the school site, a system for the adequate and safe conveyance of runoff from the school site to this off-site facility must be provided. The Applicant shall provide written certification stamped and signed by an appropriately <sup>licensed</sup> Maryland Professional Engineer that fill placed on this site meets the following criteria, unless amended and approved by MCPS:
  - i. Fill Materials: Soils used as fill materials have Unified Soils Classification (ASTM D 2487) of ML or more granular, but exclude highly plastic clays or silts (MH-CH). Soil material for fill is free of organic matter or debris, waste materials, frozen materials, vegetable matter and rock or stones exceeding 6 inches in any dimension. Nor more than 30 percent of rocks

or lumps are larger than 2/12 inches in any dimension. Materials are non-frost susceptible soils, and have a liquid limit of less than 50 and a plasticity index of less than 20. Fill material used within the top 12 inches of fill shall be free of rocks and stones exceeding two inches in any dimension. The top foot of pavement subgrades have a liquid limit less than 40 and a plastic limit less than 12, with a maximum dry density of at least 105 pound per cubic foot.

- ii. All fill material has been moisture conditioned to within two percent of optimum moisture content.
  - iii. Unpaved structural Areas: Each lift has been compacted to 92 percent maximum dry density. Density test method: ASTM D 1557.
  - iv. Paved Areas: Each lift has been compacted to 97 percent maximum dry density. Density test method: ASTM D 1557.
  - v. Play Areas: Each lift has been compacted to 85 percent maximum dry density. Density test method: ASTM D 1557.
- d. The record plat(s) need to reflect grants of storm drainage easements to the Board of Education in the area that is to be dedicated to M-NCPPC in the vicinity of structures numbered 5100 and 5012 to provide access to the 42 inch storm drain pipe.
16. Transportation  
The Applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated May 29, 2008, the State Highway Administration letter dated January 31, 2007 and the DPS letter dated November 13, 2007:
- a. Develop and maintain a ride share bulletin board on the Cabin Branch intranet website, available to all residents and employees at Cabin Branch. This website must be operational prior to issuance of the first building permit for the initial project phase.
  - b. Facilitate carpool and vanpool matching for all residents and employees at Cabin Branch site.
  - c. Install permanent transit information kiosks/display areas in all office buildings and community centers to display bus route (and eventually Corridor Cities Transitway) schedules and maps. Locations and designs of the kiosks/displays must be identified in coordination with, and approved by, DOT Commuter Services and installed prior to issuance of use and occupancy permits for each applicable building.
17. Forest Conservation  
The Applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated March 11, 2008:

- a. The proposed development shall comply with the conditions of the final forest conservation plan. The Applicant shall satisfy all conditions prior to recording of plat(s) or DPS issuance of sediment and erosion control permits.
- b. Record plat of subdivision shall reflect a Category I conservation easement over all areas of stream buffers and forest conservation.
- c. Conformance to the conditions as stated in the DPS letter dated December 24, 2007 approving the elements of the SPA water quality plan under its purview, or as amended and approved.
- d. Applicant to conduct additional geotechnical study and evaluation to determine the feasibility of groundwater recharge at the proposed locations prior to approval of individual site plans.

18. Historic Preservation

The proposed development is subject to the following conditions of approval from the Historic Preservation Commission dated May 20, 2008:

- a. The approximately 5-acre environmental setting for the historic house must be clearly delineated on the Certified Site Plan. Any proposed alterations within the environmental setting (i.e. new construction, grading changes, tree removal, fence installation, retaining walls, and alterations to the historic house) will require review and approval through the Historic Area Work Permit process (HAWP).
- b. Parking lots will not be constructed within the environmental setting of the historic resource.
- c. The circular drive around the historic house will be maintained in gravel.
- d. Any tree 6" in diameter (DBH) or larger proposed to be removed within the environmental setting of the historic site will require approval by the Historic Preservation Commission.
- e. The environmental setting of the historic resource remains the original boundaries of Parcel 747, which is 5.31 acres in size.
- f. The installation of activity lighting on the ball fields is prohibited, unless approved by the Historic Preservation Commission.
- g. The Applicant will remove non-historic elements and rehabilitate the exterior of the house. The Applicant will receive approval from the HPC for applicable projects.

19. Stormwater Management

The proposed development is subject to the Final Water Quality Plan and the Stormwater Management Concept approval conditions dated December 24, 2007, unless amended and approved by the DPS.

20. Fire and Rescue

The proposed development is subject to the conditions of approval from the Montgomery County Fire and Rescue Service dated November 1, 2007.

21. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant shall provide

verification to M-NCPPC staff prior to issuance of the 301st building permit that Applicant's recorded Homeowners Association Documents incorporate by reference this Covenant.

22. Development Program

The Applicant shall construct the proposed development in accordance with the Development Program. The Winchester I Site Plan will be developed in two Phases. Phase I includes approximately 233 dwelling units and Phase II includes approximately 195 dwelling units. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program applicable to the area contained within the Winchester-1 Site Plan shall include a phasing schedule as follows:

- a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the units or park and school facilities adjacent to those streets.
- b. Local Recreational Facilities
  - i. All Phase I Local Recreational Facilities shall be completed prior to the issuance of the 163<sup>rd</sup> building permit for the units in Phase I, with the exception of the greenway along Wellspring Street which is addressed separately. (This number represents 70 percent of 233 units located in Phase I). The recreation facilities in Phase I include integral sitting and picnic areas, and bike system paths within this Phase. Landscaping and lighting associated with the Recreational Facilities shall be installed no later than 6 months after the completion of those facilities.
  - ii. The greenway along Wellspring shall progress with construction of the adjacent residential units, but no later than six months after completion of the last adjacent units.
  - iii. All Phase II Local Recreational Facilities shall be completed prior to the issuance of the 135<sup>th</sup> building permit for the units in Phase II. (This number represents 70 percent of the 195 units located in Phase II). The recreation facilities in Phase II include the HOA Park surrounded by Tribute Parkway, integral sitting and picnic areas, and bike system paths within this Phase. Landscaping and lighting associated with the Recreational Facilities shall be installed no later than 6 months after the completion of those facilities.
- c. Community-Wide Recreational Facilities
  - i. The local park will be completed prior to the issuance of the 650<sup>th</sup> building permit.
  - ii. The community entrance features located at Clarksburg Road and Cabin Branch Avenue, Broadway Avenue, and Bryne Park Drive as well as the ellipse located on Broadway Avenue between Wellspring Street and Estuary Drive shall all be constructed prior to the issuance of the 428<sup>th</sup> building permit, subject to plan and permit approval by DPW&T and/or DPS.



- iii. In accordance with the Infrastructure Site Plan approval, a building permit shall be obtained for the community pool and center prior to the issuance of the 650<sup>th</sup> residential building permit.
  - iv. The local park including all of the park facilities and amenities, and parking facilities shall be constructed prior to the issuance of the 650<sup>th</sup> residential building permit. Signs will be placed on the park property indicating a future park site concurrently with the construction of Bryne Park Drive.
- d. Future Community-Wide Recreational Facilities  
Development Programs to be determined as subsequent detailed site plans are approved.
- e. On-site landscaping and lighting associated with the construction of private roads and common areas shall be installed no later than 6 months after the completion of those roads and common areas.
- f. Provide each section of the development with necessary roads.
- g. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
23. Clearing and Grading  
No clearing or grading prior to M-NCPPC approval of the certified site plan except as specified in the conditions of approval for the Infrastructure Plan. The Applicant is required to rough grade the local park and school site prior to the release of the 428<sup>th</sup> building permit, according to the approved sediment and erosion control plans and forest conservation plans.
24. Landscape Surety  
The Applicant shall provide a surety (letter of credit, performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:
- a. The amount of the surety shall include plant material, on-site lighting, recreational facilities, and site furniture within the relevant block of development. Surety to be posted prior to issuance of first building permit within each relevant block of development and shall be tied to the development program.
  - b. Provide a cost estimate of the materials and facilities, which will establish the initial bond amount.
  - c. Completion of plantings by block, to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
  - d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.
25. Green Building Certification  
The Applicant shall achieve a whole-house certification for the one-family detached and multi-family 2-over-two units (buildings), Energy Star rating under the national energy performance rating system by either the performance or prescriptive path

options or equivalent. The rating certifications shall be provided to staff upon final inspection.

26. Certified Site Plan

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

- a. Development program, inspection schedule, and Site Plan Resolution.
- b. Undisturbed stream buffers, except where approved outfalls are located.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Forest Conservation easement areas.
- f. MPDU, TDR, and revised recreation facility calculations.
- g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- h. Environmental setting protecting the historic resource or site.
- i. Details of the outdoor useable areas for the one-family attached units.
- j. Location of mailbox clusters and improvements (lead walk, paving, landscaping)
- k. Details and locations of the wayfinding signs.
- l. Alternate plant list.
- m. Identify the phasing lines consistent with the Development Program.

BE IT FURTHER RESOLVED that all site development elements as shown on Cabin Branch-Winchester I drawings stamped by the M-NCPPC on May 21, 2008, shall be required, except as modified by the above conditions of approval; and

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

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

As conditioned, the proposed development is consistent with the approved Development Plan (G-806) in land use, density, location, and building height and development guidelines as listed in the following binding elements:

The nine binding elements from Development Plan G-806 are listed below:

- a. Transferable Development Rights and Moderately Priced Dwelling Units

*The Property that is subject to this Application (283.5 acres) is part of a larger, mixed-use community planned for 535 acres shown on the Development Plan, of which the Applicants are also owners. The portion of the property not being rezoned MXPB, is zoned RMX-1/TDR and will require the purchase of Transferable Density Rights (TDRs) for the development planned by Applicants. Based on calculations developed with M-NCPPC staff, the total Master Plan residential density for the 535-acre community is 1,676 market rate units plus 210 Moderately Priced Dwelling Units. Assuming this density and the mix of unit types called for in the Master Plan for the entire Cabin Branch Neighborhood (including a maximum of 20% multi-family) the 535-acre project will require 635 TDRs. The Preliminary Plan of Subdivision application(s) for the MXPB area and the remaining RMX-1/TDR area shall require the purchase of TDRs in conformance with this calculation.*

The 635 TDRs initially required for the overall site assumed a maximum density, mix and number of MPDUs to be provided for the portion of property zoned RMX-1/TDR and the total number of units. The TDRs are proportional to the number of MPDUs provided and have been recalculated to account for the increase in MPDUs. The number of TDRs provided for the Winchester I site is 128, which is proportional to the total number of units in the subject development. The number of MPDUs for the entire development provided is in excess of the binding element by 26 for a maximum of 236 MPDUs, which was approved with the Infrastructure Plan (820050150). This Application is providing 64 MPDUs or 15%.

During the hearing, Staff brought the MPDU requirement and the mix of unit types related to the senior housing to the attention of the Planning Board. The application for the future senior housing component was not submitted as part of this site plan; however, Staff was concerned about the implications the mix of unit types would have on future applications, if the Board found that this use needed to be considered and included in the overall mix of unit types for multi-family units. Based upon the Applicant's testimony and prior history of the development applications for this site, the Board understands that the senior housing use was specifically separated from the multi-family use and listed in the public use category. In other words, the senior housing units are not counted under the 20% multi-family unit cap that applies to this site.

On a related issue, the Board finds that the 12.5% of the total 500 proposed senior housing units must be MPDUs.

b. Off-Site Amenities and Features

*By the time of issuance of building permits for the 100<sup>th</sup> dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan, the Applicant will dedicate the sites shown on the Development Plan for an elementary school, a local park and a recreation facility. The school site will be rough-graded at a time determined at the earliest Preliminary Plan of subdivision application for the Cabin Branch Community, subject to MCPS approval.*

The timing associated with this binding element is part of the development program and phasing for the subject site plan. The site for the elementary school will be dedicated prior to the issuance of the 100<sup>th</sup> building permit and shall be rough graded prior to the issuance of the 428<sup>th</sup> building permit within this section of Cabin Branch.

c. Trip Reduction Measures

*At the time of Preliminary Plan, the Applicant, M-NCPPC Transportation Planning staff, and DOT staff will consider mutually acceptable trip reductions measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.*

Trip reduction goals were established during the preliminary plan approval and were further analyzed during the amendment to the preliminary plan and current site plan Application. This Application includes only residential uses. Parking ratios and Trip Reduction goals for the non-residential uses will be determined during the review of future, non-residential applications.

d. Street Network

*A network of public streets shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that, with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in the Road Hierarchy Plan of the Development Plan and that are subject to M-NCPPC and DOT approvals.*

The Applicant has provided a network of public streets in a grid pattern that is familiar to the neo-traditional type of development. The street network is patterned to develop a cohesive relationship with the variety of uses proposed in the Cabin Branch neighborhood. The public streets proposed are consistent with the Master Plan and hierarchy defined in the Development Plan.

The Infrastructure and Roads Only Site Plan was approved by the Planning Board on June 14, 2007 (Planning Board resolution approved September 19, 2007) to establish a road network for future development, identify primary site features that would be integral to the plan, such as stormwater management, and set the framework for construction and phasing of the roads. An amendment was filed on August 17, 2007 in accordance with the original approval that specifically relates to the improvements along West Old Baltimore Road. The modifications approved by the Board on April 3, 2008 are directly related to the design standards for West Old Baltimore Road, especially as they relate to the surrounding properties directly affected by the improvements and to the Cabin Branch Neighborhood.

e. Area D Street Network

*Area D will be designed with a public or private street connecting First Avenue (Route A-304) in a grid pattern with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear.*

Area D, between future A-302 (Newcut Road), Second Avenue and West Old Baltimore Road will be reviewed in more detail when the site plan for that portion of the site is submitted.

f. Street Character

*All streets will adhere to a pedestrian-friendly design to the extent practical, which places particular emphasis on a building line to frame the street, with parking in the rear. Within the core, pedestrian friendly uses including retail or office will be located on the first floor. The entire MXPB area will conform to a Cabin Branch Community Streetscape Plan that is designed to integrate the entire community, which will be submitted at Site Plan and is subject to M-NCPPC and DOT approvals.*

The public streets have been designed to foster a pedestrian friendly environment, and to promote active streets that interact with the streetscape plan. The design guidelines submitted as part of the Application define the street elements, architectural elements, parking and the streetscape associated with the entire development according to the type of use and relationship to other uses and the street.

g. Special Roads

*A-307 will be designed as an open section arterial road with wide green edges to provide a gateway to Black Hill Regional Park, subject to M-NCPPC and DOT approvals. The rural character of West Old Baltimore Road will be*

*maintained by minimizing environmental impacts and providing generous green edges.*

A-307 has been designed as an open-section 80-foot-wide arterial road with green edges that line up with the entrance to Black Hill Regional Park. West Old Baltimore Road was reviewed as a Limited Site Plan Amendment as a condition of the Infrastructure Plan. The amendment analyzed alternatives for the roadway including impact to adjacent properties, including Black Hill Regional Park, safety considerations, design speed and grade. The road is proposed as a two-lane arterial roadway.

h. Service/Public Uses

*Service/Public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care or continuing care.*

This binding element does not apply to the subject site plan.

i. On-street Parking

*Applicants will include on-street parking on streets adjacent to retail facilities.*

On-street parking has been incorporated into many of the public streets for this Application including streets adjacent to the local park. On-street parking will be further evaluated with the retail and mixed-use component during the site plan reviews for those sections.

2. *The Site Plan meets all of the requirements of the MXPB and RMX-1/TDR zones and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the MXPB and RMX-1/TDR Zones as demonstrated in the project Data Table below, with respect to numbers and types of units, setbacks, building height, green area and number of parking spaces.

**Requirements of the MXPB and RMX-1/TDR zones**

The Staff Report contains a data table that lists the Zoning Ordinance-required development standards and the development standards proposed for approval. The Board finds, based on the aforementioned data table, and other uncontested evidence, that the Application meets all of the applicable requirements of the MXPB and RMX-1/TDR Zones. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

**Project Data Table for the MXPB & RMX-1/TDR Zones  
 Winchester I Site Area Only**

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Development Standards Approved by the Board and Binding on the Applicant</b>
<b>Gross Site Area (Ac.):</b>		
MXPB (59-C-7.5)	20.0	56.42
RMX-1/TDR (59-C-10.1)	Not Specified	84.84
Total Winchester I Site Area		141.26
<b>Area of Dedication (Ac.):</b>		
Public Streets		32.57
Park (Dedicated to M-NCPPC)		10.07
School Site (Dedicated to MCPS)		9.61
Total Dedication Provided		52.25
<b>Net Site Area (Ac.):</b>		
		89.01
<b>Density</b>		
MXPB Zone (59-C-7.5)		
<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Proposed for Approval</b>
Non-Residential (59-C-7.54)		
Max. Commercial Density	0.75 FAR	Not Applicable
Max. % Retail Commercial	20% of gfa (Gross Floor Area)	Not Applicable
Residential (59-C-7.53)		
Residential	44 d.u./acre	
w/commercial/industrial area)	75 d.u./acre	
Maximum allowable density	10.5 d.u./ac (1,026 d.u.) <sup>1</sup>	4.22 d.u./ac. (238 d.u.)
Maximum allowable employment	2,300,000 s.f.	Not Applicable

<sup>1</sup> Density as calculated in Preliminary Plan No. 12003110A.

Maximum allowable retail	120,000 s.f. <sup>2</sup>	Not Applicable
<b>RMX-1/TDR Zone (59-C-10.1)</b>		
Residential	3.22 d.u./ac. (860 d.u.) <sup>3</sup>	2.23 d.u./ac. (190)
<b>Number of Dwelling Units</b>		
<b>MXPD Zone (59-C-7.56)</b>		
One-family detached	Not specified	38
One-family attached (townhouse)		128
2/2-multi-family		72
Live/Work (multi-family)		Not applicable
Total number of units in the MXPD Zone		238
<b>RMX-1/TDR Zone</b>		
One-family detached		112
One-family attached (townhouse)		54
2/2-multi-family		24
Live/Work (multi-family)		Not applicable
Total number of units in the RMX-1/TDR zone		190
<b>Building Height (feet)</b>		
MXPD Zone (59-C-7.56)	Area A-up to 12 stories <sup>4</sup> Area B-up to 6 stories Area C-up to 8 stories Area D-up to 8 stories	Building height is the same as the proposed units in the RMX-1/TDR zone for the one-family detached, one-family attached (townhouse) and multi-family (two-over-two) See Below
<b>RMX-1/TDR Zone</b>		
One-family detached	2-4 stories <sup>5</sup>	42'

<sup>2</sup> Includes 2,000 sf. Of retail in the RMX-1/TDR zone and 118,000 sf. Of retail in the MXPD.

<sup>3</sup> Actual maximum acreage in RMX zone is 3.42 d.u./ac. Density is calculated in the Preliminary Plan 12003110A.

<sup>4</sup> The maximum height limitations approved with Development Plan G-806 include heights that range from 6-12 stories and also include the commercial/retail portions, which are not subject to this application.



One-family attached (townhouse)	3-4 stories <sup>b</sup>	50'
2/2-multi-family	4 stories <sup>7</sup>	65'
<b>Minimum Building Setbacks (feet)<sup>8</sup></b>		
<b>MXPD Zone (Sect. 59-C-7.55)</b>		
Buildings other than one-family detached dwelling units must be set back from property developed with one-family detached homes	100	100+
From adjoining properties	10	10+
Commercial or Industrial buildings from adjoining property recommended for residential zoning and land use on master plan or sector plan	100	Not Applicable
Commercial/Industrial	10	Not Applicable
<b>Individual Building Setbacks for units within the MXPD and RMX-1/TDR Zones</b>		
<b>One-family detached</b>		
Front	10	10
Rear	0	0
Side (Street side)	10	10
Side (Interior Lot)	3	3
Side (Alley)	3	3
R/W Truncation	0	0
<b>One-family attached</b>		

<sup>5</sup> The Preliminary Plan approved a mix of heights ranging from 2-4 stories, with cottages ranging from 3-4 stories, 32'-44' wide one-family units (with rear garage) ranging from 2-3 stories and the remainder of the one-family detached at 2 stories.

<sup>6</sup> The Development Plan approved two-over-two townhouses can be 4 stories. All other townhouses range from 3-4 stories.

<sup>7</sup> Approved with the Development Plan. Multi-family units other than the two-over-two units have a range in height from 2-5 stories.

<sup>8</sup> Individual building setbacks are established during the site plan review.

<b>(townhouse)</b>		
Front	10	10
Rear	0	0
Side (Street side)	10	10
Side (Interior Lot)	3	3
Side (Alley)	3	3
R/W Truncation	0	0
<b>2/2-multi-family</b>		
Front	10	10
Rear	0	0
Side (Street side)	10	10
Side (Interior Lot)	3	3
Side (Alley)	10	10
R/W Truncation	0	0
<b>Moderately Priced Dwelling Units (MPDUs)</b>		
MXPD Zone	30	50
RMX-1/TDR Zone	24	14
Total number of MPDUs	54	64
<b>Transfer Development Rights (TDRs)</b>		
MXPD Zone	Not Applicable	Not Applicable
RMX-1/TDR Zone		
Maximum No. of TDRs Required	635 <sup>9</sup>	609 <sup>10</sup>
Min. No. of TDRs Required for Winchester I application		128 <sup>11</sup>
<b>Green Area (% &amp; Ac.):</b>		
MXPD Zone (59-C-7.56)		
Commercial portion	Not Applicable	Not Applicable
Residential portion	50% (28.21 ac.)	(10.71 ac.) <sup>12</sup>

<sup>9</sup> Maximum number of TDRs required for the RMX-1/TDR zone consistent with the Development Plan, Preliminary Plan and Infrastructure Plan and were calculated on the overall density and site.

<sup>10</sup> MPDUs are deducted from the total number of TDRs provided (635 - 26 = 609 TDRs)

<sup>11</sup> Applicant will be acquiring 128 TDRs for this site plan. The difference in number of TDRs for this section will be made up through the following site plans (635 - 128 = 507).

<sup>12</sup> Applicant is providing 10% (10.71 acres) of green space in the MXPD zone. Future site plans in the MXPD zone will need to account for the difference in required green space (28.21 ac. - 10.71 ac. = 17.50 ac.) for the residential portion.

RMX-1/TDR Zone (59-C-1.394)		
Residential portion		30.50 ac.
School		9.61 ac.
Park		10.07 ac.
HOA/Common Areas		1.66 ac.
RMX Green Space	50% (42.42 ac.)	122% (51.84 ac.) <sup>13</sup>
Total Green Space Provided		62.55 ac.
<b>Parking Facility Internal Landscaping (%)</b>	5	5
<b>Parking (Sect. 59-E)</b>		
<b>MXPD &amp; RMX-1/TDR</b>		
One-family detached (150 d.u.s @ 2 spaces/unit including garage)	300	
One-family attached (townhouse) (182 d.u.s @ 2 spaces/unit including garage)	364	
2/2-multi-family 96 units total		
72-2 bedroom @ 1.5 spaces/unit	108	
24-3 bedroom @ 2 spaces/unit	48	
<b>Total Parking Required</b>	815	
<b>Total Parking Provided</b>		1,130 (includes 694 garage spaces, 160 tandem spaces & 276 additional spaces/visitor)

<sup>13</sup> Applicant is providing 122% of their required green space in the RMX-1/TDR zone. Future site plans in the RMX-1/TDR zone will be able to use the remaining green space allocated to this site plan 51.84 ac. - 42.42 ac. = 9.42 ac.)

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

- a. Buildings and Structures

The historic building (#13/24) remains as a dominant structure in the center of the overall site that bifurcates the proposed local park. The house and area surrounding the house will be retained as a market-rate unit owned and maintained by the future homeowners' association.

Design and placement of the proposed units are all oriented toward the public and private streets, creating a strong street front and building edge. MPDUs have been integrated with the market-rate units and dispersed throughout the community.

Retaining walls have been minimized to the extent possible to address grading concerns voiced with the preliminary plan and infrastructure plan approval. A retaining wall exhibit was submitted and reviewed with the Infrastructure and Roads-Only Site Plan and subsequently with the subject Cabin Branch proposal. The retaining walls on the west side of the park property have decreased in height from 50 feet to three tiered, 30-foot-tall retaining walls at the highest point since the time of preliminary plan approval. The series of walls are expansive but have been minimized to the extent possible for safety and efficiency of the grading on the site.

The remaining uses have been designed as an integral part of the entire development. The design guidelines cover the public realm and serve as a document for architectural treatments and highly visible areas. The Planning Board finds that the Design Guidelines are base standards to provide the Board and the public an assurance and level of expectation of what will be built in Cabin Branch. The Applicant's town architect testified that these guidelines meet the minimum standards for traditional architecture, and set forth a proportionality standard, as contained in *American Vignola: A Guide to the Making of Classical Architecture*, which do not limit the building to a traditional appearance.

The Board also found that the Design Guidelines may need to be revised and updated with each site plan application to provide more specificity due to market and design changes, and that either the Applicant or the staff should be permitted to bring the Design Guidelines to the Board for amendment at any time.

b. Open Spaces

The plan proposes a significant amount of open space, which consists primarily of stream buffers, stormwater management facilities and the proposed Local Park and school site. The future site plans will have to provide the required green area consistent with the requirements of the RMX-1/TDR and MXPB zones. The future site plans will provide updated open space and green space calculations, which will consist of areas between the units and along the perimeter of the property, in addition to the green area network of stream valleys, stormwater management facility areas, and park and school site field areas.

c. Landscaping and Lighting

The proposed landscaping and lighting consists of a varying treatment within the public rights-of-way, as outlined in the Thematic Street and Park Character guidelines ("Thematic Plan") presented by the Applicant, and incorporated into the Infrastructure Plan and Winchester I site plan. All of the agencies have had an opportunity to review the placement, types and species and spacing of the street trees to avoid conflicts in the design phase and during construction. The Landscape Plan also identifies the type of plant material appropriate within the medians and roundabouts, as well as acceptable lighting and accent material for crosswalks and sidewalks.

Lighting consists of standard overhead fixtures within the public right-of-way and colonial-style fixtures with the alleys and private streets. Lighting is not proposed as part of the park facility.

d. Recreation Facilities

A major portion of the recreational component for the Winchester I site plan includes the facilities within the local park and future school site. Recreation facilities in the park and on the school site include a regulation soccer field, playgrounds, picnic shelters and pathways. In addition to the programmed facilities, the development will provide for natural features such as the stream valleys with integrated trails. The Applicant is providing facilities within the common areas such as a tot lot, seating areas and an interactive open play area along Tribute Parkway. Recreation facilities are based upon a calculation of the number and type of units provided within the development, as well as community facilities offered by the Applicant.

Each site plan that includes residential development will need to be updated to show compliance with the M-NCPPC Recreation Guidelines and overall facilities guidelines for the Cabin Branch Development.

e. Vehicular and Pedestrian Circulation

The primary access points to the Cabin Branch development include MD 121 (Clarksburg Road), West Old Baltimore Road and future Newcutt Road extended.

The access points to the site are from multiple locations along MD 121 (Clarksburg Road), including Cabin Branch Avenue. Second Avenue is an arterial road and is the primary spine within the community that connects Clarksburg Road and West Old Baltimore Road. Two additional important access points to the site include Bryne Park Drive, which follows the eastern boundary of the school and park site, and Dunlin Street, which is the primary access to the school. Dunlin Street also provides access to a future residential portion of the development that includes primarily one-family detached and attached housing.

The overall Cabin Branch neighborhood will contain an eight-foot-wide shared use path (Class I bikeway) on the external boundaries of the site, including the north side of West Old Baltimore Road and on the east side of Clarksburg Road (MD 121). Internally, the 8-foot-wide bike path follows Dunlin Street on the west side of the proposed school site, and bifurcates the school and park site to connect with the alignment on Bryne Park Drive. The path follows the west side of Bryne Park Drive and Fulmer Drive.

Five-foot-wide internal sidewalks will also be provided for all of the public streets to facilitate pedestrian circulation throughout the development.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

Each proposed structure is compatible with the existing and proposed adjacent development. The site plan also complements the site plans currently in the queue demonstrating a comprehensive approach for the community. The design guidelines assist in coordinating the overall appearance of the community, with a focus on the architectural treatments, the building edge, features that define the street edge, such as porches, front yards and entry ways. The Design Guidelines are the baseline standards for expectations of what will be built by the developer and building community, and will be revised and updated with future site plans to account for design and market changes.

The proposed uses are in scale with the overall development pattern envisioned with the Development Plan. Higher density uses and heights are planned toward MD 121 and the future commercial center. The massing transitions south, with an emphasis primarily on residential uses to create a more compatible edge to the existing residential properties along West Old Baltimore Road.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The site plan Application satisfies the forest conservation requirements of Chapter 22A and applicable water resources protection requirements of Chapter 19.

The natural resources for the subject properties are characterized in Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plans 4-02007, 4-02008, 4-02009, 4-02010, and 4-03340. Staff approved the NRI/FSDs in 2003. Water quality plans are required as part of the Special Protection Area regulations. Under the SPA law, DPS and the Planning Board has different responsibilities in the review of the water quality plan. DPS conditionally approved the elements of the final water quality plan under their purview on February 22, 2007. The Planning Board responsibility is to determine if the forest conservation requirements, environmental guidelines for special protection areas, and site imperviousness requirements have been satisfied.

The Winchester 1 project limit contains 11.92-acres of forest, 0.78-acres of wetland, 2.22-acres of floodplain and 11.95-acres of stream buffer. There are steep slopes (>25%) on the property and highly erodible soils. Not all steep slopes and erodible soils are hydraulically connected to Waters of the United States. Those that are hydraulically connected to Waters of the United States are included in the environmental/stream buffers.

As part of this site plan, the Applicant proposes to remove 3.04-acres of forest, retain 8.85-acres of forest and plant 3.47-acres of forest. The Applicant is also providing 1.25-acres of landscape credit through the planting of street trees. The forest conservation plan indicates that the Applicant will meet the conservation threshold onsite and that they will meet all planting requirements through a combination of onsite forest retention, onsite planting of unforested stream buffers, and landscape credit.

Under the M-NCPPC's implementation of the Special Protection regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. Environmental Planning is requiring 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. In addition, the Applicant must plant all onsite planting areas prior to being allowed to use offsite mitigation credits.

The only encroachments into the environmental buffers approved with this plan are necessary stormwater management conveyances, some utilities, natural surface trails, widening of West Old Baltimore Road, and construction of the A-302 (Little Seneca Parkway)/I-270 Interchange.

The proposed stormwater management concept and final water quality plan consist of on-site channel protection measures via thirteen 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 filter (in series), biofiltration structures, dry swales structural water quality inlets (both filtering and flow-through) and vegetated buffer filtering.

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 Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this resolution is OCT 20 2009 (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 Vice Chair 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, October 16, 2008, in Silver Spring, Maryland.

Handwritten signature of Royce Hanson.

Royce Hanson, Chairman  
Montgomery County Planning Board

**8-06029  
Cabin Branch Winchester Phase 1  
Application Info for names and  
addresses**

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Bethesda, MD 20814**

**ATTACHMENT G  
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c/o Cabin Branch Management  
Stan Aldridge  
6905 Rockledge Drive, Suite 800  
Bethesda, MD 20817**

**Parker Rodriguez  
Trini M. Rodriguez  
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Alexandria, VA 22314**

**Loiederman Soltesz Associates, Inc.  
Michael Goodman, BPE  
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Rockville, MD 20850**

Adventist Healthcare, Inc.  
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Suite 400  
Rockville, MD 20850-3184

02 00016905/P.150

Warfield, Joy M  
1705 Lakes Shore Crest Drive, #11  
Reston, VA 20190-3250

02 00029986/P.152

Franklin, John B. & Tatiana A  
22620 Clarksburg Road  
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02 00029997/P.172

Hancock, Harry L & D F  
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02 00020122/P.225

Cook, Kenneth R  
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#303  
Gaithersburg, MD 20878-5371

02 00016175/P.225

King, John R Jr.  
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02 00023001/P.318

King, William G & J S  
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Boyd's, MD 20841-9068

02 00022930/P.307

King, John R Jr., et al  
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02 00023045/P.290

Toll MD X Limited Partnership  
250 Gibraltar Road  
Horsham, PA 19044-2323

02 00022666/P.333

Lewis, Benjamin R  
23407 Frederick Road  
Clarksburg, MD 20871-9707

02 01534442/P.394

Dorsey, Larry W & J M  
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02 00028173/P.350

Lewis, Benjamin R. et al  
21032 Cog Wheel Way  
Germantown, MD 20876-4271

02 00016233/P.414

Clagett, Timothy M &  
Kathleen M Clagett  
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02 00018414/P.455

Moyer, Deborah et al  
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02 00026813/P.480

Ramsburg, Sylvia M & G W Sr.  
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02 00018915/P.540

Mullin, Michael H  
Julia A. Collins  
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Boyd's, MD 20841

02 00030495/P.566

Blair, Dallas G & M E  
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Boyd's, MD 20841

02 00016995/P.569

Beacham, Robert M & G A  
c/o Middlesex Beach  
52 Dune Road  
Bethany Beach, DE 19930-9521

02 00028958/P.616

Barlow, Herbert W & Margaret E  
22314 Clarksburg Road  
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02 00027828/P.619

Larman, Edna L.  
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02 00023581/P.624

Jaray, David and Roxanna  
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02 0027486/P.508

Magee, Thomas G & J R  
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02 00024222/P.747

Linthicum, Charles T Et Al Tr  
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02 00023978/P.777

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Damascus, MD 20872

02 0019624/P.279

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Planning Commission  
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02 00025545/N.850

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02 00016244/P.505

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02 00016916/P.880

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02 00016858/P.885

Clarkwood, LC  
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02 00023592/P.909

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02 00028184/P.406

Tuell, James F & C L S  
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02 00021651/Lot 1

Neale, Kevin M  
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02 00029053/Lot 2

Raines, Travis J  
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02 00028993/Lot 3

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02 00020213/Lot 4

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02 0030416/Lot 5

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02 00028845/P.600

Shiloh Farm Investments, LLC  
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02 00016871/P.900

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CA 0159B

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Kimberly Shiley, Co-Chair  
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CA 1287A

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CW 1132A

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Rocky Hill Middle School  
Principal Stephen Whiting  
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Clarksburg Elementary School  
Principal Kwang Lee  
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SEP 29 2010  
ATTACHMENT H

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

MCPB No. 10-118  
Site Plan No. 820060240  
Project Name: Gosnell Property  
Date of Hearing: April 26, 2010

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on November 18, 2005, SMTM Cabin Branch, LLC. / SMTM Cabin Branch West, LLC. ("Applicant"), filed an application for approval of a site plan for 87,500 square feet of employment uses (hotel and 2 banks), 8,600 square feet of highway/ auto-related retail uses (car wash, gas station, and convenience store), and parking waivers ("Site Plan" or "Plan") on 7.24 acres of MXPB zoned land, located along Clarksburg Road, approximately 0.25 miles west of I-270;

WHEREAS, Applicant's site plan application was designated Site Plan No. 820060240, Gosnell Property (the "Application");

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 16, 2010, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report");

WHEREAS, following review and analysis of the Application by Staff and the Staff of other governmental agencies, on April 26, 2010, the Planning Board held a public hearing on the Application (the "Hearing");

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

WHEREAS, on April 26, 2010, the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss seconded by

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Montgomery, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

Commissioner Alfandre; with a vote of 3-0, Commissioners Alfandre, Dreyfuss and Hanson voting in favor, Commissioners Wells-Harley and Presley being absent.

**THE PLANNING BOARD RECOMMENDATION FOR FINAL WATER QUALITY PLAN:**

Approval of the Final Water Quality Plan for Site Plan 820060240 as described in the letter dated January 29, 2010 unless amended and approved by the Montgomery County Department of Permitting Services. 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 is subject to 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 (structure G101, G106 and G108). If access to structure G108 is to be from Clarksburg Road, a driveway apron and full depth paving over the sidewalk will be required.
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 cut and fill that is proposed. During the detailed review a geotechnical study must be provided to determine the feasibility of the proposed infiltration and recharge structures.
3. The proposed infiltration trench (structure G101) must be open to the surface.
4. If possible locate structure G107 in the green area between the Clarksburg Road right-of-way and the onsite drive aisle for ease of maintenance.
5. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
6. Due to the size of this development a full-time, third-party, onsite, sediment control inspector is required to assure that the goals of the Water Quality Plan are being met.

**THE PLANNING BOARD RECOMMENDATION FOR SITE PLAN 820060240:**

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board

APPROVES Site Plan No. 8200060240 for 87,500 square feet of employment uses, 8,600 square feet of highway/ auto related retail uses, a 12% parking reduction waiver on the east side of the property, and parking waivers granted for sections 59E-2.71 and 2.81(a) on 7.24 gross acres in the MXPDP zone, subject to the following conditions:

### **Environment**

Approval of site plan #820060240, including amendments to the forest conservation plan and the Special Protection Area water quality plan approved per Cabin Branch Infrastructure Site Plan #820050150, subject to the following conditions:

1. Compliance with the Planning Board conditions of approval for forest conservation plan #820050150 dated June 14, 2007, with amendment to reflect approval of the final forest conservation plan for Site Plan #820060240.
2. Amendment to Special Protection Area water quality plan approval for Infrastructure Site Plan #820050150 in incorporate revisions contained in DPS approval letter for Site Plan # #820060240 dated January 29, 2010.
3. All other prior approvals and conditions from #820060240 related to environmental and water quality related issues remain in full force and effect

### **Site Plan**

4. Site Design
  - a. Update and coordinate the Project Data Table(s) with previous approvals and/or pending applications for the entire Cabin Branch Neighborhood development.
  - b. The remaining 0.41 acres of green area must to be fulfilled on another Cabin Branch site still within the MXPDP zone. Upon the designation of this green space area; Site Plan Staff will review the final landscape plans.
  - c. Locate benches in potential seating areas and provide site details for any benches and trash receptacles proposed on site.
  - d. The exterior architectural character, proportion, materials, and articulation will be re-evaluated upon re-submittal by M-NCPPC Development Review and Urban Design staff.
  - e. The surface parking facility (on the east side) directly adjacent to the existing public road shall be adequately buffered with an evergreen hedge and/or a masonry wall.



## 5. Landscaping

- a. The proposed plant materials must be installed to meet the standards of the American Standards for Nursery Stock (AAN) with regard to the correct size and type as specified within the plant list and planting plan.
- b. An alternate plant list may be provided on the Landscape and Lighting plan; to accommodate plant substitutions.
- c. The proposed plantings must be properly installed and maintained so as not to conflict with the public right of way, and/or cause damage to any existing public utilities.

## 6. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential/commercial development.
- b. All onsite down- light fixtures must be semi cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles shall not exceed 17 feet including the mounting base.

## 7. Design Guidelines

- a. The proposed development must comply with the Design Guidelines dated August 20, 2008 or as amended and approved by the Planning Board.
- b. A letter from the Town Architect must accompany each site plan application stating that the proposed development complies with all of the aspects of the Cabin Branch Design Guidelines.
- c. An approval form from the Town Architect must accompany each building permit application stating that the proposed building is in conformance with the approved certified site plan and with all of the aspects of the Cabin Branch Design Guidelines.
- d. Each building permit must be reviewed by the Planning Director or "designee" for conformance to the approved Design Guidelines. Unless the Director or designee rejects the permit for non-compliance with the Design Guidelines within ten (10) days of transmittal, it must be deemed approved. If the building permit application is regarded as not in

conformance with the guidelines, then the Director and Town Architect shall meet to discuss the discrepancy. If the two parties cannot agree on a suitable approach to provide conformance to the guidelines, then the Planning Board will decide the resolution.

- e. The Design Guidelines for the retail components and streetscape will be reevaluated with respect to architectural features, site design, layout and circulation.
- f. The administration of the Design Guidelines shall be the responsibility of the Town Architect and the Cabin Branch Management, with the exception of variations or exceptions to the guidelines, which shall be approved by the M-NCPPC Planning Director or designee. If the town architect and Planning Director do not agree, then the matter will need to go the Planning Board possibly as a minor amendment to the site plan.

#### 8. Landscape Surety

The Applicant must provide a performance bond in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety must include plant material, on-site lighting, recreational facilities, and site furniture within the relevant block of development. Surety to be posted prior to issuance of first building permit within each relevant block of development and shall be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which will establish the initial bond amount.
- c. Completion of plantings by block, to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

#### 9. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lighting and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.

- b. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle racks must be installed prior to release of any building occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- f. Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed.
- g. Provide each section of the development with necessary roads.
- h. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

#### 10. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency of all details and layout between site plan and landscape plan.
- e. Provide a building envelope (with setbacks labeled on the site plan) that will account for any minor and/or major shifts in the final construction of the proposed buildings.

BE IT FURTHER RESOLVED, that all site development elements as shown on the Gosnell drawings stamped by the M-NCPPC on April 16, 2010, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified

herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

- 1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Development Plan (G-806) for the Cabin Branch Neighborhood established nine (9) binding elements for the entire community. This site specifically conforms to the following four (4) binding elements: trip reduction measures, street networks, street character and on-street parking. The remaining five (5) elements are not applicable to this site.

The Cabin Branch Local Area Transportation Review (dated December 19, 2005) proposes two (2) major phases of development for the complete build out of the public roadway networks. Planned road improvements shall identify potential problems and offer possible solutions in anticipation of future growth. Vehicular access is designed as an interconnected roadway system within a transit-oriented land use pattern. Four (4) roundabouts are proposed to serve as entry features, setting the character of the area and providing a means of facilitating traffic movements in an efficient manner. The existing Clarksburg Road (MD 121) will retain its rural character; while the new Clarksburg Road will transition to a four-lane major road. Two (2) out of the four (4) traffic circles are located along the new Clarksburg Road south of the Gosnell site. The business district streets are proposed as two-lanes with curbside parking. The proposed roadways will promote a pedestrian-friendly environment and are consistent with the requirements of the binding elements.

The internal roadways are aligned with a network of sidewalks and street crossings that channelize pedestrians efficiently to and from residential, commercial, open space, and recreational areas. The business district roadways, with curbside parking, provide an additional level of comfort and safety to the pedestrian by providing a buffer between moving vehicles and sidewalks.

- 2. The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed uses are allowed in the MXPB Zone and the site plan specifically fulfills the purposes of the zone by providing the following: Design Guidelines that meet the overall goals of the Master Plan; a

comprehensive staging development program in accordance with the previous approvals; enhanced compatibility with the surrounding communities; and the provision of open spaces and site amenities that achieve the physical and aesthetic integration to benefit the community. In addition pedestrian circulation is encouraged and additional landscape plantings proposed are directly adjacent to the surface parking areas.

The Cabin Branch Design Guidelines set the overall tone for the entire development establishing feasible design principles for the proposed streetscapes, circulation systems, and compatible uses. The Infrastructure and Preliminary Plans approved the construction phasing for the major roadway improvements, stormwater management facilities, and underground utilities; prior to the submission of this site plan.

As the project data table indicates, the site plan meets all of the development standards of the zone. With respect to building heights, setbacks, and density the proposed development is under all the maximum standards allowed. With respect to green space, the proposed site has provided 2.49 acres. The remaining 0.41 acres will be fulfilled on another Cabin Branch site still within the MXPDP zone.

### **Requirements of the MXPDP zone**

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the MXPDP Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

### **Data Table**

Development Standards Approved by the Board are Binding on the Applicant

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Gross Tract Area (ac/sf.):	7.24 acres 315,374 sq.ft.
Gross Floor Area	96,100 sq.ft.
Maximum Floor Area Ratio for the subject Parcel	0.30 FAR
<b><u>Gross Square Footage</u></b>	
Highway/ Auto Retail Related Uses	8,600 sq.ft.
Car Wash	1,800 sq.ft.
Quick Mart (gas station)	3,255 sq.ft.
Quick Serve (convenience store)	3,545 sq.ft.

<u>Employment Related Uses</u>	87,500 sq. ft.
Banks (2)	7,725 sq.ft.
Hotel/ Restaurant	79,775 sq.ft.
<u>Maximum Parking Space<sup>1</sup></u>	264 spaces <sup>2</sup>
East Side	159 spaces
West Side	105 spaces
Minimum Green Space Required	40%
Minimum Green Space	34% <sup>3</sup>
	2.49 acres
Minimum Internal Parking Green Space	10.6%
	15,682 sq. ft. (0.36 acres)
Maximum Building Coverage	14.09%
	44,518 sq. ft. (1.02 acres)
<u>Maximum Building Heights</u>	
East Side (Area A)	
Hotel	75 feet
Bank	35 feet
West Side (Area B)	
Car Wash	40 feet
Quick Serve	35 feet
Quick Mart	35 feet
Bank	35 feet
<u>Minimum Building Setbacks</u>	
From one family detached d.u.	100 feet
From adjoining properties	10 feet
From adjoining properties recommended for Residential zoning and land use	100 feet
From Commercial/ Industrial properties	10 feet
From the street right-of-way	4 feet
Minimum Bicycle Racks (2 racks)	14 spaces

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

<sup>1</sup> The required number of parking spaces is calculated in accordance to section 59-E Off-Street Parking; and is dependent on the provided use.

<sup>2</sup> Total number includes 12 handicap parking spaces.

<sup>3</sup> The remaining green space area (0.41 acres) must be fulfilled within the MXPDP zone on another Cabin Branch site.

a. Buildings and Structures

The buildings and structures of the proposed development are proposed along the new Clarksburg Road; which is appropriate for the character envisioned by the Master Plan. These locations provide easy access to the buildings from adjoining sidewalks and parking spaces. The Planning Board finds the locations of the buildings and structures to be adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

b. Landscaping and Lighting

The proposed landscape materials help to buffer and frame important major views along the property boundaries, and soften hardscape edges along the streetscape and retaining walls. Lighting is adequately used within the surface parking facilities. Both the lighting and landscape materials create a safe and comfortable environment for pedestrians.

c. Recreation Facilities

There are no recreational facilities required for this site plan, but benches and bicycle facilities are provided. Active green spaces and recreational facilities are primarily located closer to the residential components. However, the proposed circulation systems adequately and efficiently tie back into adjacent sites. Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area.

d. Vehicular and Pedestrian Circulation

Pedestrian patrons are welcomed with an open space plaza, kiosks, stairwells, and handicap accessible ramps and crosswalks located at every major intersection. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. The overall purpose of this development is to be a convenient resource to the surrounding residential properties.

The proposed landscaping helps to buffer the surface parking and driveway areas from the roadways and soften major views inward. Proposed stormwater management plantings will be reviewed by the Department of Permitting and Services (DPS). Traditional foundation plantings are provided at the base of the proposed buildings, and showy ornamental plantings have been added for aesthetic appeal. Interior lighting will create enough visibility to provide safety, however not enough

to cause glare on the adjacent roads or properties. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment. The site design is in full compliance with the Master Plan and Cabin Branch Design Guidelines.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The subject property was designed to be integrated with other commercial/retail properties within the Cabin Branch Community, including Concordia Phase 2 – Retail (820060300). With respect to the height, use and building orientation, the proposed development is compatible with the adjacent and confronting uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

Channel protection measures will be provided via an extended detention dry pond (Pond#11). This structure 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, structural water quality inlets (both filtering and flow through), a bio-retention structure, an infiltration trench, the use of porous pavement and ultimately surface sand filters in series. Since open section roads are not feasible, additional water quality volume controls will be provided through 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. Recharge will be provided both on upland throughout the development and below the outlet pipe of the proposed surface sand filters where groundwater or bedrock is not encountered.

This special protection area requires the recharge volume to provide a total of 150% of the average annual predevelopment groundwater recharge volume. This exceeds the 2007 MDE regulations which require 100% of the average annual predevelopment groundwater recharge volume. The upland portion will provide 50% of the recharge volume before it drains to the SWM ponds. At the ponds the site will be treated for 100% of the required recharge volume. Infiltration trenches have been proposed throughout the site with small drainage areas to provide the upland recharge requirement. The small drainage areas spread the



recharge throughout the site which is consistent with the intent of the 2007 MDE regulations. The site also features pervious concrete parking areas to reduce the amount runoff and allow ground water recharge. Pervious concrete is one of the alternative surfaces preferred by the new MDE regulations. Additional upland recharge will be provided with future areas of development within the pond watershed.

BE IT FURTHER RESOLVED, that this resolution constitutes the written opinion of the Board in this matter and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

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

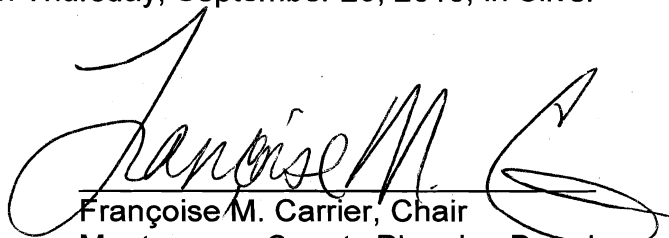
~~BE IT FURTHER RESOLVED~~, that the date of this resolution is SEP 29 2010 (which is the date that this resolution is mailed to all parties of record); and ~~SEP 29 2010~~

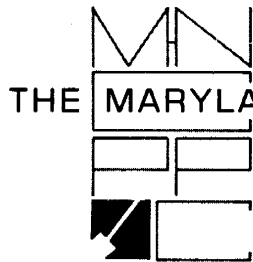
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland 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 Dreyfuss, seconded by Commissioner Presley, with Vice Chair Wells-Harley, Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion, and Chair Carrier abstaining, at its regular meeting held on Thursday, September 23, 2010, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board





LETTER A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MEMORANDUM

May 20, 2008

TO: Robert Kronenberg, Site Plan Supervisor, Development Review Division

FROM: Doug Powell, Plan Review Coordinator, Park Planning and Stewardship Division, Department of Parks   
Joshua Silver, Senior Planner, Historic Preservation Section, Countywide Planning Division 

SUBJECT: Cabin Branch Winchester I Site Plan #8-20060290

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Department of Parks, and Historic Preservation staff support approval of the Applicant's Site Plan with the Conditions as set forth below:

BACKGROUND

The Clarksburg Master Plan, approved and adopted in 1994, provides for a local park, referred to as Clarkmont Local Park by the Master Plan, in the area that comprises the Cabin Branch development. This park is one of only two parks master planned for the west side of Interstate 270, and Clarkmont Local Park is intended to adequately accommodate the active recreational needs of the communities west of Interstate 270 and north of Old Baltimore Road. The nearby Black Hill Regional Park has considerable passive recreational opportunities but does not include ball fields. The Linthicum property, where the other master planned park will be located, is currently being farmed and is not expected to go forward for many years.

The Applicant is providing adequate land for the park and will construct the park facilities needed to immediately serve the needs of the community as set forth in the conditions herein. The active recreational portion of the parkland will surround the historic house and park facility layout has fully considered the historic resource and included conditions that incorporate certain limitations to protect the environmental

## LETTER A

setting of the historic house. Staff from Historic Preservation have provided guidance and input accordingly and will continue to work with Parks Department staff on park layout issues that affect the historic resource. The following conditions are requested for approval of the above-referenced Site Plan:

### CONDITIONS OF APPROVAL

#### Parkland and Park Facilities

- Applicant to dedicate and 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 continues south along the Little Seneca Tributary to Old Baltimore Road. The northern portion of the dedicated land that is suitable for active recreation to be at least 10 acres of contiguous usable land divided only by the historic home (including circular driveway) that is to be dedicated to the HOA or other party acceptable to M-NCPPC staff. Parkland to be conveyed in fee simple by deed acceptable to M-NCPPC staff at time of record plat and conveyed free of trash and unnatural debris and park boundaries staked and signed to distinguish from private properties.
- Applicant to work with M-NCPPC staff to finalize and clearly delineate on the Certified Site Plan, exact park dedication boundaries that are acceptable to Parks Department staff and are easy to identify, sign and manage, and that clearly distinguish between Parkland, HOA property, and private lots.
- No retaining walls or stormwater management ponds or facilities to be located on dedicated parkland.
- Within the dedicated local park acreage, Applicant to provide, at Applicants expense, the park's active recreational facilities and amenities to include one (1) adult sized soccer field, multi-age playgrounds acceptable to M-NCPPC staff, an open grass play area, a picnic area with 2 shelters, 8' minimum width hard surface trails within the park to serve the various facilities (10' wide where needed for maintenance access), a drinking fountain, park signage, information kiosks and decorative features, portable restroom pad and enclosure, appropriate fencing for safety purposes along any retaining wall or steep slopes (as acceptable to M-NCPPC staff), park landscaping, and local park parking for at least 120 cars, including at least 60 spaces on the dedicated 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 dedication and facility layout to be substantially as set forth on the Site 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 site plan signature set approval.

## LETTER A

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 site plan signature set approval.

- The open grass play area adjacent to the historic house to include some relatively flat area(s), substantially as set forth on the Site Plan, suitable for informal ball type play. Final grading plan to incorporate this flat play area as acceptable to M-NCPPC Parks Department staff.
- The playground areas to be sized and located approximately as set forth on the Site Plan and to include suitable play equipment that is typically constructed of 5 ½ inch diameter metal posts (powder coated) with a sufficient equipment assortment to substantially fill the playground area inside the safety zone. One area to contain equipment suitable for very young children and the other play area to contain equipment suitable for school age children. Edging for play areas to be concrete. Equipment choice and layout to be acceptable to M-NCPPC park staff.
- Picnic shelters are not to be located as entrance features to the park from the end of Tribute Parkway. Park entrance features details to be coordinated with M-NCPPC park staff and be acceptable to staff.
- Final details including general arrangement and species choice for plantings on parkland to be substantially established by time of Certified Site Plan, with some final minor alterations to be allowed in the Local Park area during the park permitting process without site plan amendment.
- Applicant to construct hard surface and natural surface trails on dedicated parkland and throughout the community to connect open spaces, elementary school and parkland together in an accessible, pedestrian friendly manner. Trails in the local park area to be substantially as set forth in the Site Plan and Applicant to work with M-NCPPC staff prior to site plan signature set approval to establish exact locations and surfacing of needed trails in order to provide recreational opportunities to the communities and businesses within the subdivision. Trails within parkland to be constructed to park standards and specifications.

### Historic House and Environmental Setting

a) The approximately 5 acre environmental setting for the historic house must be clearly delineated on the Certified Site Plan. Any proposed alterations within the environmental setting (i.e., new construction, grading changes, tree removal, fence installation, retaining walls, and alterations to the historic house) will require review and approval through the Historic Area Work Permit process (HAWP).

LETTER A

b) Parking lots will not be constructed within the environmental setting of the historic resource.

c) The circular drive around the historic house will be maintained in gravel.

d) Any tree 6' in diameter (DBH) or larger proposed to be removed within the environmental setting of the historic site will require approval by the Historic Preservation Commission.

e) The environmental setting of the historic resource remains the original boundaries of Parcel 747, which is 5.31 acres in size.

f) The installation of activity lighting on the adjacent ballfield is prohibited unless approved by the Historic Preservation Commission.

g) The Applicant will remove non-historic elements and rehabilitate the exterior of the house. The Applicant will receive approval from the HPC for applicable projects.

LETTER B

**From:** [Silver, Joshua](#)  
**To:** [Oquinn, Marybeth](#);  
**Subject:** RE: Winchester/Cabin Branch historic home & cemetery  
**Date:** Thursday, November 03, 2011 2:07:49 PM  
**Attachments:** [Cabin Branch -- Shaw Family Cemetery.doc](#)

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Marybeth,

Here are my comments from when I reviewed the project for DRC. My comments have not changed since the first time I reviewed the plan several years ago. These comments apply to both Phase 1 & 2.

Also, I am attaching a memo Scott sent to you in July with comments about the cemetery. Josh

**82006029A Cabin Branch – Winchester Phase 1**

1. The proposed development plan includes Individually Designated Master Plan Site #15/24 Byrne-Warfield Farm.
2. The approximately 5 acre environmental setting for the historic house must be clearly delineated on the Certified Site Plan. Any proposed alterations within the environmental setting (i.e., new construction, grading changes, tree removal, fence installation, retaining walls, and alterations to the historic house) will require review and approval through the Historic Area Work Permit process (HAWP).
3. Parking lots will not be constructed within the environmental setting of the historic resource.
4. The circular drive around the historic house will be maintained in gravel.
5. Any tree 6' in diameter (DBH) or larger proposed to be removed within the environmental setting of the historic site will require approval by the Historic Preservation Commission.
6. The environmental setting of the historic resource remains the original boundaries of Parcel 747, which is 5.31 acres in size.
7. The installation of activity lighting on the adjacent ball field is prohibited unless approved by the Historic Preservation Commission.

LETTER B

8. The Applicant will remove non-historic elements and rehabilitate the exterior of the house. The Applicant will receive approval from the HPC for applicable projects.



LETTER C

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

March 24, 2008

**MEMORANDUM**

TO: Richard Weaver  
Development Review Division

VIA: Shahriar Etemadi, Supervisor *for KHK*  
Transportation Planning

FROM: Ki H. Kim, Planner/Coordinator *KHK*  
Transportation Planning

SUBJECT: Preliminary Plan No. 1-03110B  
Cabin Branch  
Clarksburg

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This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary plan application. The application includes the Phase 2 development of the Cabin Branch project located on the west side of I-270, south of Clarksburg Road (MD 121) and north of West Old Baltimore Road in the Clarksburg Policy Area. The subject site has an approved preliminary plan for Phase 1 development which includes 1,600 residential dwelling units, 1,538,000 square feet of commercial space, and 500 dwelling units of elderly housing. Phase 2 is build-out of the Cabin Branch project and would add 286 dwelling units and 882,000 square feet of commercial space.

**RECOMMENDATIONS**

Based on our review of the submitted traffic analysis and submitted preliminary plans, Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to the approval of this preliminary plan application.

1. Total development under this preliminary plan 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 elderly housing



LETTER C

2. To satisfy Policy Area Transportation Review for Phase 1 development the applicant shall:
  - a. Construct 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 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 (DPWT)'s March 10, 2008 letter to M-NCPPC (A copy of the letter is attached: Attachment 2)
  - c. In accordance with the Clarksburg Master Plan, construct two paralleled, two-lane business district roadways between Newcut Road and MD 121 in lieu of a four-lane divided arterial roadway.
  - d. In accordance with the Clarksburg Master Plan, upgrade 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.
3. To satisfy Local Area Transportation Review (LATR) for Phase 1 and 2 development, the applicant shall:
  - a. Construct the following improvements at the MD 121/I-270 Northbound on/off ramp:
    - Add a northbound left-turn lane to provide for a dual left turn lanes
    - Add a separate westbound left-turn lane
    - Signalize the intersection
    - Widen Clarksburg Road bridge over I-270 to accommodate one additional through lane in each direction and a median island, subject to SHA's requirements
    - Add a westbound through lane at the intersection. This third westbound through lane would be dropped at the I-270 southbound loop ramp (Phase 2 development improvement)
    - Add eastbound right-turn lane for I-270 northbound ramp (Phase 2 development improvement)
    - Provide two lanes on the northbound off ramp (Phase 2 development improvement)
    - 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 (Phase 2 development improvement) subject to approval by DPWT. If the non-auto amenities described here is not acceptable to DPWT, the applicant must provide other improvements equal to mitigating the same level of traffic to pass the LATR test.

LETTER C

b. Construct 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

c. Construct 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 to accommodate traffic safely and efficiently at this intersection

d. Construct the following improvements at the MD 121/Gateway Center Drive intersection:

- Reconfigure the existing intersection to provide two lanes for through movements to and from the east (Phase 2 development improvement).

This improvement must be complete and open to traffic prior to the issuance of building permits for the 1,400<sup>th</sup> residential unit and more than 1,500,000 square feet of non-residential space.

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

- Widen eastbound Stringtown Road Extended to provide dual left-turn lanes (Phase 2 development improvement).
- Convert a southbound Gateway Center Drive through-right lane to a through lane and construct a free right-turn lane with a channelized median (Phase 2 development improvement).

This improvement must be complete and open to traffic prior to the issuance of building permits for the 1,400<sup>th</sup> residential unit and more than 1,500,000 square feet of non-residential space.

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

LETTER C

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

This improvement must be complete and open to traffic prior to the issuance of building permits for the 1,400<sup>th</sup> residential unit and more than 1,500,000 square feet of non-residential space.

- g. Construct or participate on a pro rata share to provide 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. A three-lane section will be provided 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.

This improvement must be complete and open to traffic prior to the issuance of building permits for the 1,400<sup>th</sup> residential unit and more than 1,500,000 square feet of non-residential space.

- h. Construct or participate on a pro rata share to widen MD 355 south of Brink Road as a four-lane divided section to join the existing four-lane section at Willstone Manor Lane. This improvement must be complete and open to traffic prior to the issuance of building permits for the 1,400<sup>th</sup> residential unit and more than 1,500,000 square feet of non-residential space.
- i. Prior to the issuance of 1,256 residential building permits, 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, then the applicant shall transfer to SHA for use in construction of the Newcut Road/I-270 interchange a sum equal to the actual bid cost of construction for the northbound off ramp improvement and such contribution shall be considered as having met the applicant's obligation for such improvement.
- j. If 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. 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

## LETTER C

total peak hour trips generated by all developments required by the Planning Board to participate in the construction of any particular improvement.

4. The roadway improvements are sequenced for construction along with sub-phases of Phase I and Phase 2 as shown in the attached Roadway Improvement Phasing Table and associated Diagram (Attachment 1). Construction of all roadway improvements tied into each sub-phase must be complete and open to traffic prior to the issuance of any additional building permit for the following sub-phase of this development.
5. Prior to certification of initial site plan, the applicants, M-NCPPC Transportation Planning staff, and DPWT staff will 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.
6. The applicant shall comply with all requirements of SHA and DPWT.

## DISCUSSION

### Site Access and Vehicular/Pedestrian Circulation

The access to the site is proposed from MD 121, West Old Baltimore Road, and the future I-270/Newcut Road interchange. The proposed internal roadways provide a network of sidewalks and street crossings that connect and channelize the pedestrians efficiently to/from residential, commercial, open space, and recreational areas. The site access and internal vehicular/pedestrian circulation system shown on the development plan appears to be safe and adequate. The following is a general description of the master plan roadway network in the vicinity of the site.

1. Clarksburg Road (MD 121): Classified as an arterial roadway with six lanes from I-270 to A-304, four lanes from A-302 to A-304, two lanes from A-302 to West Old Baltimore road and a master plan right-of-way of 150, 120, and 80 feet, respectively. This roadway provides access from the I-270 interchange to the site and western boundary of the site.
2. I-270: Classified as a freeway with eight lanes. SHA is conducting a multi-modal corridor study to consider highway and transit improvements in the I-270/US 15 corridor from shady Grove Metro Station to the north of Biggs Ford Road in Frederick County. SHA is also conducting a Project Planning Study for the I-270/MD 121 interchange as a breakout project of the SHA's I-270/US 15 Multi-Modal Corridor Study.
3. West Old Baltimore Road: Classified as an arterial roadway with two lanes and a master plan right-of-way of 80 feet. This roadway provides access from MD 355 to the southern boundary of the site.
4. Newcut Road: Classified as an arterial roadway with four lanes and a master plan right-of-way of 120 feet. This roadway provides access from the future I-270 interchange and MD 355. Due to the impact to the stream valley, this roadway is proposed to be

## LETTER C

terminated east of the Cabin Branch stream valley with a series of traffic circles as shown on the development plan. Staff supports this proposal.

5. A-304: Classified as an arterial roadway with four lanes from Newcut Road Extended (A-302) to MD 121 and a master plan right-of-way of 120 feet. This four-lane roadway is proposed to be replaced with two two-lane business district streets with on street parallel parking. Staff supports this proposal.

### Newcut Road/I-270 Interchange

The 1994 Clarksburg Master Plan recommends construction of interchange at I-270 and Newcut Road. The applicant's traffic study indicated that if Newcut Road interchange is built, substantial amount of traffic from Cabin Branch development and other area development (both east and west of I-270) will use it to travel to and from areas south of this interchange. COMSAT, a major employment development located on the east side of I-270, is currently under the process of redevelopment and the Newcut Road interchange will provide a major accessibility for COMSAT to I-270. The New cut Road interchange will also provide an important connectivity to I-270 for a significant portion of the Clarksburg developments east of MD 355 including Clarksburg Town Center and Clarksburg Village. High demand for using this interchange makes it an essential part of the roadway network to facilitate the area traffic circulation.

As part of the Phase 2 preliminary plan application, the applicant proposes additional roadway improvements. The Phase 2 roadway improvements package includes the improvements at the I-270/MD 121 interchange in addition to the Phase 1 conditioned improvements. The applicant's estimated total cost (reviewed and approved by SHA) of the interchange improvement to meet the full-built out condition is approximately \$11 million in the year 2006 dollar value. Staff recommends the flexibility to allow the applicant to be relieved from the remaining condition of un-built I-270/MD 121 interchange in exchange for contributing an equal amount of funding for design and/or construction of Newcut Road interchange at such time the Newcut Road interchange is included in the Maryland Consolidated Transportation Program. This funding in combination with other potential private funding in the future could provide significant seed money for constructing the Newcut Road interchange that is crucial for accessibility and-circulation in this region.

### Congestion Levels at Nearby Intersections

Ten local intersections were identified as critical intersections to be affected by the development of the subject site and were examined in the traffic analysis to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The CLV impacts of the proposed development on these intersections were analyzed and are summarized in Table I.

**Table I**  
**Intersection Capacity Analysis with CLV**  
**Under Various Development Schemes During the Peak Hour**

Intersections Analyzed	Existing		Background		Total - Phase 2 **	
	AM	PM	AM	PM	AM	PM
MD 121/I-270 NB off-ramp	473	440	959	1058	1449	1437
MD 121/I-270 SB off-ramp	321	217	561	530	1327	994
MD 121/Whelan Road (Street "A")	253	278	425	411	1330	1355
MD 121/West Old Baltimore Road	208	359	466	664	586	765
MD 121/Gateway Center Drive	716	937	441	434	538	632
MD 121/MD 355	1360	1553	1367	1624	1430	1594
MD 355/Stringtown Road	1283	1334	1658	1814	1419	1658
Stringtown Road/Gateway Center Drive	N/A	N/A	987	1446	939	1170
MD 355/West Old Baltimore Road	1525	1475	2181	2340	2080	1862
MD 355/Brink Road	1526	1468	1565	2036	1077	1344

**\*\* Roadway improvements to be provided by the applicant as a part of Phase 1 and Phase 2 are included in this total traffic condition.**

As shown in the above table, all existing intersections analyzed are currently operating at acceptable CLVs (CLV standard is 1,450) except at the MD 355 intersections with West Old Baltimore Road and Brink Road during both the AM and PM peak hours and at the intersection of MD 355 and MD 121 during the PM peak hour. Under the background development (developments approved but not built) condition, MD 355 intersections with Stringtown Road, West Old Baltimore Road, Brink Road, and the MD 121 exceed the acceptable congestion standard. Under the total Phase 2 development conditions with the roadway improvements to be provided as part of Phase 1 and

## LETTER C

Phase 2 development, all examined intersections will operate at either acceptable condition or at a better level than the background condition.

### Phasing Program

The applicant proposed the sub-phasing program which includes the sequenced sub-phased roadway improvement and development density of the overall Phase 1 and Phase 2 development. Staff supports the proposed sub-phasing program and recommends that this sub-phasing program be the condition of approval of the subject preliminary plan, "Condition No. 4". Staff recommends that the construction of all roadway improvements be complete and open to traffic according to the sub-phasing of any new building permit issued.

The size and mixed-use character of the development proposed for this site lends itself to traffic mitigation efforts that will reduce dependence on the single-occupancy use of automobile and encourages the use of public transit and ride sharing. Therefore, Transportation Planning staff recommends that the applicant include mutually acceptable trip reduction measures to be determined at the time of Site Plan review.

### **CONCLUSION**

Staff concludes that the subject preliminary plan satisfies the APF requirements since all nearby intersections are anticipated to operate within the acceptable congestion standard or the site trips are mitigated by the trip mitigation measures.

### **Attachments**

## Cabin Branch Roadway Improvement Phasing

Approved Phasing	Proposed Phasing	Improvement(s)	Approved Development Program (PP 01-03110A)	Proposed Development Program (PP 01-03110B)
1.1		2 <sup>nd</sup> Ave (A-304 West) – from MD 121 to Street Q, two-lane business district roadway.	210 Units 190,000 S.F.	-
1.2		MD 121 – from Street Z to the I-270 interchange, two-lane to four-lane to six-lane arterial.	210 Units 125 Senior Units 190,000 S.F.	-
1.3		MD 121 – I-270 inter-change and bridge improvements.	210 Units 125 Senior Units 190,000 S.F.	-
1.4	2.1	2 <sup>nd</sup> Ave (A-304 West) – Street Q to W. Old Baltimore Road, two-lane bus. District road. Newcut Rd (A-302) – from 2 <sup>nd</sup> Ave to 1 <sup>st</sup> Ave, four-lane divided roadway.	194 Units 125 Senior Units 190,000 S.F.	57 Units 101,250 S.F.
1.5	2.2	1 <sup>st</sup> Ave (A-304 East) – from MD 121 to Street I, two-lane business district roadway.	194 Units 190,000 S.F.	57 Units 101,250 S.F.
1.6	2.3	1 <sup>st</sup> Ave (A-304 East) – from Street I to Newcut Rd (A-302), two-lane business district roadway.	194 Units 125 Senior Units 190,000 S.F.	57 Units 101,250 S.F.
1.7	2.4	MD 121 – from W. Old Baltimore Rd to Street Z, upgrade to two-lane arterial.	194 Units 190,000 S.F.	57 Units 101,250 S.F.
1.8	2.5	West Old Baltimore (A-7) – MD 121 to Newcut Road, upgrade to two-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.

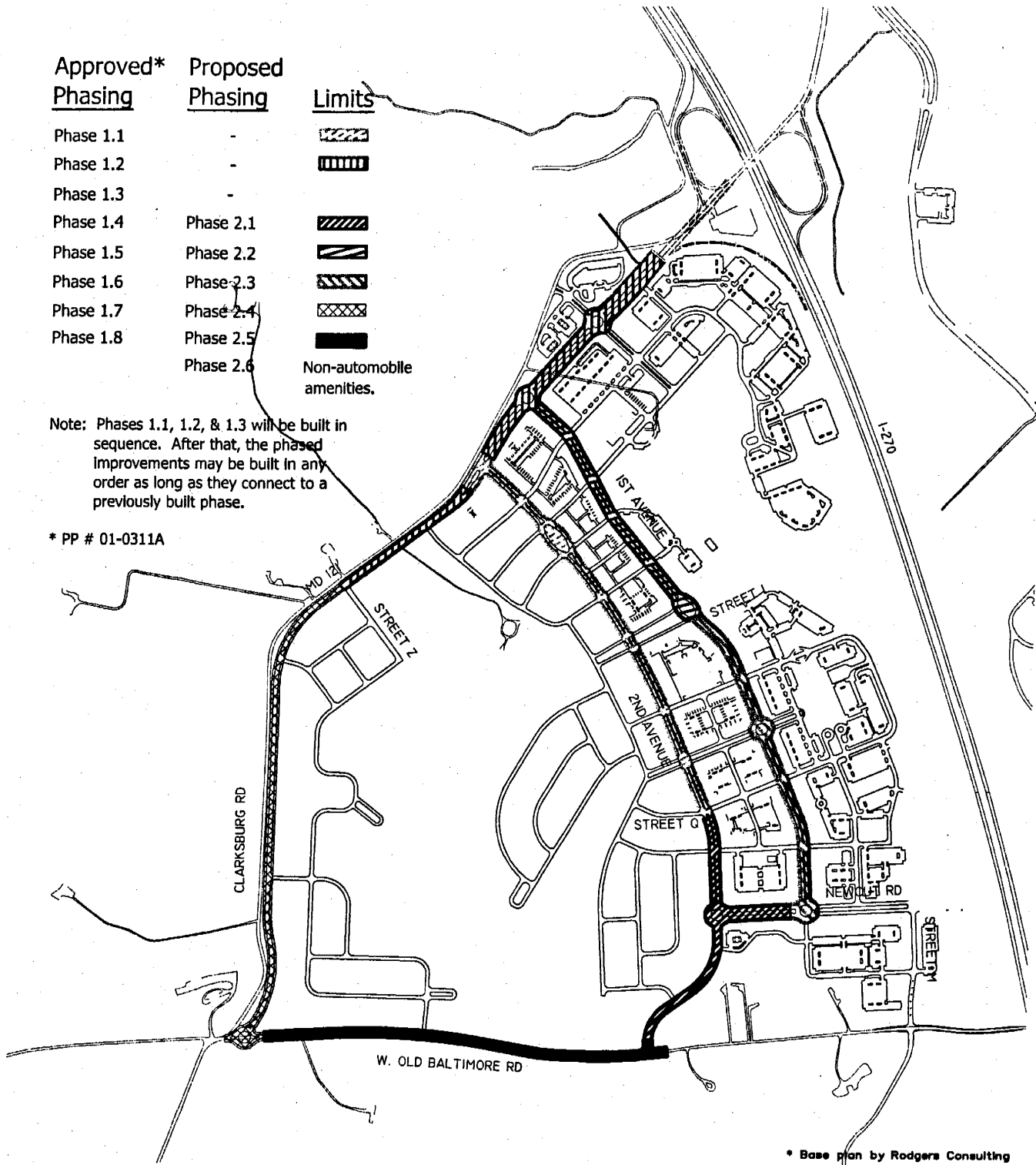


LETTER C

Approved* Phasing	Proposed Phasing	Limits
Phase 1.1	-	
Phase 1.2	-	
Phase 1.3	-	
Phase 1.4	Phase 2.1	
Phase 1.5	Phase 2.2	
Phase 1.6	Phase 2.3	
Phase 1.7	Phase 2.4	
Phase 1.8	Phase 2.5	
	Phase 2.6	
		Non-automobile amenities.

Note: Phases 1.1, 1.2, & 1.3 will be built in sequence. After that, the phased improvements may be built in any order as long as they connect to a previously built phase.

\* PP # 01-0311A



\* Base plan by Rodgers Consulting

Figure 1  
Cabin Branch Improvement Phasing



March 10, 2008

Mr. Robert Kronenberg, Site Plan Supervisor  
Development Review Division  
The Maryland-National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 1-03110A  
Site Plan No. 8-20050150  
Cabin Branch Subdivision

West Old Baltimore Road

Dear Mr. Kronenberg:

We have completed our review of the August 13, 2007 "Limited Amendment to the Infrastructure Site Plan – Alternative Designs for West Old Baltimore Road from Interstate 270 to Broadway Avenue" notebook prepared by Loiederman Soltesz Associates, Inc. (LSA) on behalf of the Cabin Branch development team. Proposals in that document were amended in subsequent iterations and finalized in the March 7, 2008 Site Plan submission package. This letter also addresses improvements between Clarksburg Road (MD 121) and Broadway Avenue.

In reviewing the most recent submissions, we carefully considered the comments of some of the nearby residents of the Clarksburg Hills community, as outlined in Mr. John Cook's February 2, 2008 letter to Ms. Nellie Maskal and you. That letter urged the no build approach; if that option was not acceptable, then it requested minimal changes to this road. Since this section of West Old Baltimore Road is classified as an arterial roadway in the 1994 Approved and Adopted Clarksburg Master Plan, we do not believe the no build (nor the previously suggested cul-de-sac) option is appropriate.

We note the existence of the 1965 record plat (no. 7746) which created Lots 1-5 of the Clarksburg Hills subdivision. That record plat dedicated right-of-way forty (40) feet from the centerline and granted forty (40) foot wide slope easements onto those lots. From the information shown on the LSA plans, it appears that existing wells and/or septic systems for several of those lots intrude into the slope easements; they will need to be relocated if physically impacted by these improvements.

LETTER C

Mr. Robert Kronenberg  
West Old Baltimore Road Improvements  
March 10, 2008  
Page 2

We commend the applicants for their efforts to implement reasonable measures to improve the traffic safety and operations along West Old Baltimore Road while reducing the impacts on the adjacent properties - particularly in the section between Broadway and Kittiwake Avenues. The main typical section proposed for this road will provide:

- 11' wide travel lanes
- 10' wide shoulders (first 4' paved full depth asphalt for bike compatibility)
- side ditches, randomly spaced street trees, streetlights, and traffic signal conduit
- grass shelf on the north side of the right-of-way with 8' wide paved shared use path (path will not be provided in the section between Broadway and Kittiwake Avenues - it will be located along Broadway Avenue, Little Seneca Parkway, and Kittiwake Avenue within the development)
- 5' wide sidewalk on the south side of the right-of-way
- relocation of existing affected utilities

The proposed typical sections improve the existing roadway, satisfy the residents desire to minimize the cross-section width of the improvements on the adjacent properties, provide for multi-modal use, an eight (8) foot wide shared use path on the north side (excepting the section between Broadway and Kittiwake Avenues), and provide a five (5) foot wide sidewalk along the south side of the road.

We support approval of the modified typical section at the three major roadway culverts - to minimize the length of in-stream construction and environmental impact.

In addition, pavement widenings (for auxiliary turn lanes) and boxed traffic signal conduit will be provided at the intersections with Broadway Avenue and Kittiwake Avenue/entrance to the Black Hills Regional Park. The proposed profile modifications will result in an 8% maximum grade, approximately a 35 mph design speed, improve sight distances at the public entrance to Black Hills Regional Park and the residential driveways, and generally reduce the steepness of the existing grades.

With respect to the improvements on West Old Baltimore Road between Clarksburg Road (MD 121) and Broadway Avenue, we realize that the preliminary plan for the Linthicum Property (no. 1-05003) was previously reviewed and conditionally approved by this Department and the Planning Board using a different DPWT design standard (no. MC-213.04). For sake of continuity, we now recommend the Planning Board and the applicants pursue construction of the current LSA proposed typical section, widened at the intersections to provide auxiliary turn lanes. Entrances and intersections to the Cabin Branch and Linthicum projects should align opposite one another, provide adequate sight distances, and facilitate safe pedestrian crossings. The shared use path should also be constructed between Clarksburg Road (MD 121) and Broadway Avenue.

LETTER C

Mr. Robert Kronenberg  
West Old Baltimore Road Improvements  
March 10, 2008  
Page 3

We believe these improvements are fair, reasonable, improve traffic operations and safety, and minimize the impact on most of the adjacent residences. We support their approval. Please call or e-mail me if you have any questions regarding these comments.

Sincerely,

Gregory M. Leck, Manager  
Development Review Group  
Traffic Engineering and Operations Section

M:\sub\gml\docs\pp\8-20050150, Cabin Branch - West Old Baltimore Rd imp.s.doc

cc: Richard Weaver; M-NCPPC Development Review  
Shahriar Etemadi; M-NCPPC Transportation Planning  
Steve Federline; M-NPPC Environmental Planning  
Nellie Maskal; M-NCPPC Community Based Planning  
Doug Powell; M-NCPPC Parks  
John Cook; Clarksburg Hills subdivision  
Kathy Mitchell; Clarksburg Ombudsperson  
Mike Conley; Cabin Branch Development Team  
Stan Aldridge; Cabin Branch Development Team  
Bob Harris; Holland & Knight  
John Brundage; Loiderman Soltesz Associates, Inc.  
Irene Carrato; Loiderman Soltesz Associates, Inc.  
Charles Linthicum; the Linthicum family  
Gary Unterberg; Rodgers Consulting, Inc.  
Roger Hayden, II; Pasternak & Fidis, P.C.  
Jody Kline; Miller, Miller & Canby  
Joseph Cheung; DPS Right-of-Way Permitting & Plan Review  
Sarah Navid; DPS Right-of-Way Permitting & Plan Review  
Leo Galanko; DPS Water Resources  
Edgar Gonzalez; DPWT Director's Office  
Bob Simpson; DPWT Director's Office  
Gail Tait-Nouri; DPWT Design/Facility Planning  
Emil Wolanin; DPWT Traffic Engineering & Operations  
Bruce Mangum; DPWT Traffic Engineering & Operations  
Fred Lees; DPWT Traffic Engineering & Operations  
Seifu Kerse; DPWT Traffic Engineering & Operations  
Sam Farhadi; DPWT Traffic Engineering & Operations  
David Adams; DPWT Traffic Engineering & Operations

LETTER D



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid  
Director

October 17, 2011

MNCP&PC-MC  
8787 Georgia Avenue  
Silver Spring, MD 20910  
Attention: Mary Beth O'Quinn

Re: Cabin Branch- Winchester Phase 1 & Phase 2  
Site Plans 82006029A & 820110080

Dear Mary Beth O'Quinn,

The Department of Permitting Services Site Plan Enforcement Section will be reviewing the building permits for Cabin Branch Winchester Phase 1 and Phase 2. The Site Plan Data Tables have the building heights and setbacks shown that we will enforce during our Zoning Review at time of building permit issuance. The building heights will be measured per the Zoning Ordinance from the street elevation or average front grade to the mean roof elevation or the highest point of a flat roof, depending on how close the building is to the road as per foot notes in the Site Plan Data Tables.

If you need any additional information, feel free to contact me at (240)777-6298 or [mark.beall@montgomerycountymd.gov](mailto:mark.beall@montgomerycountymd.gov).

Sincerely,

Mark Beall  
Permitting Services Specialist II  
Site Plan Enforcement  
Division of Building Construction  
Department of Permitting Services



LETTER E

## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid  
Director

August 31, 2011

Mr. Fernando Benitez, PE  
Loiederman Soltesz Associates, Inc.  
2 Research Place, Suite 100  
Rockville, Maryland 20860

Re: **Revised Final Water Quality Plan and  
Stormwater Management Concept for  
Cabin Branch Winchester 1/Concordia  
SM File #: 223702  
Tract Size/Zone: 109.0 Ac/Mixed  
Residential  
Watershed: Little Seneca Creek**

**SPECIAL PROTECTION AREA**

Dear Mr. Benitez:

Based on a review by the Department of Permitting Services, the Revised Final Water Quality Plan (RFWQP) 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 109.0 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 six 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) 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 treatment being provided for the upland areas. 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 (non-structural) water quality structures where groundwater or bedrock is not encountered.

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255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)



LETTER E

Fernando Benitez, PE  
August 31, 2011  
Page 2

**Revisions:** The revisions included road and alley changes as well as a lot layout modification. These revisions required that three water quality structures and one recharge area be relocated (STMF 518, 113, 1316 and RET 424). Additionally, five water quality structures (STMF 422, 1306, 1309, 1312, and 1320) had to be resized due to conflicts with other site features and utilities.

**Conditions of Approval:** The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. All of the requirements, goals and conditions of the previously approved Final Water Quality Plan (including the BMP Monitoring Requirements stated in the monitoring attachment letter dated December 18, 2007) still apply and must be address with the submission of the detailed sediment control/stormwater management 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 clear access to all stormwater management structures from a public right-of-way. It does not appear that there will be sufficient space between the private property and the structure in the street right-of-way to access the structure.
2. All recharge and upland water quality structures must be a minimum of five feet off of private property lines (including future phases) and from retaining walls. It appears that locations of structures STMF 510, 1302, 1312 and 1360 will need to be adjusted. Also it appears that the outlet pipe from RET structure 1303 is going under some type of structure. This will also have to be relocated.

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:CN223702

cc: R. Kronenberg (MNCPPC-DR)  
L. Galanko  
SM File # 223702

Qn: on-site 109.0 ac  
Ql: on-site 109.0 ac.  
Recharge provided



**DEPARTMENT OF PERMITTING SERVICES**

**Isiah Leggett**  
*County Executive*

**Diane R. Schwartz Jones**  
*Director*

Monday, October 31, 2011

Ms. Marybeth O'Quinn  
Montgomery County Planning Department  
M-NCP&PC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Cabin Branch – Winchester Phase 2  
Site Plan 820110080

Dear Ms. O'Quinn,

In regards to the Cabin Branch Winchester Phase 2 Site Plan referenced above, we have met with the applicant representative on July 19, 2011 to discuss the comments provided at the DRC meeting on May 2, 2011. We believe, our comments have been addressed and recommend the planning Board approval of the above mentioned site plan.

Should you have any further question regarding this matter, please to not hesitate to contact me directly at 240-777-6352.

Sincerely,

Atiq Panjshiri  
Acting Manager, Right of Way Plan Review  
Division of Land development





LETTER G

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Richard Y. Nelson, Jr.  
Director

September 9, 2011

Ms. Sylke Knuppel, PE  
Development Manager  
Winchester Homes  
6905 Rockledge Drive, Suite 800  
Bethesda, MD 20817

RE: Winchester Homes Cabin Branch Phases 1 and 2 Site Plan Comments  
(Site Plan Nos. 82006029A and 820110080)

Dear Ms. Knuppel:

The Department of Housing and Community Affairs (DHCA) has reviewed your responses to DHCA's Development Review Committee (DRC) comments on the above site plans at the May 2, 2011 and June 13, 2011 DRC meetings. The responses that you have provided satisfactorily address DHCA's DRC comments, and DHCA has no further comments at this time.

If you have any questions, please contact me at 240-777-3786.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Mary Beth O'Quinn, M-NCPPC  
Christopher J. Anderson, DHCA

S:\Files\FY2012\Housing\MPDU\Lisa Schwartz\Cabin Branch Winchester Letter 9-9-11.doc

**Division of Housing and Code Enforcement**

Code Enforcement FAX 240-777-3701	Moderately Priced Dwelling Unit FAX 240-777-3709	Housing Development & Loan Programs FAX 240-777-3691	Landlord-Tenant Affairs FAX 240-777-3691	Licensing & Registration Unit 240-777-3666 FAX 240-777-3699
--------------------------------------	-----------------------------------------------------	---------------------------------------------------------	---------------------------------------------	-------------------------------------------------------------------

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)

LETTER H



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**FIRE MARSHAL COMMENTS**

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**DATE:** 09-Sep-11  
**TO:** Gary Unterberg  
Rodgers Consulting, Inc.  
**FROM:** Marie LaBaw  
**RE:** Cabin Branch - Winchester Phase 2  
820110080

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **09-Sep-11** .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.

**\*\*\* LANDSCAPING AND SITE AMENITIES SHALL NOT INTERFERE WITH FIRE DEPARTMENT ACCESS \*\*\***

**\*\*\* HYDRANT PLACEMENT SHALL BE REVIEWED AND APPROVED BY MCFRS SUBSEQUENT TO WSSC'S FINAL APPROVAL \*\*\***

**\*\*\* PARKING RESTRICTIONS WILL BE IN PLACE ON A STREET BY STREET BASIS PRIOR TO OCCUPANCY OF ANY UNITS ON THE AFFECTED STREET \*\*\***

**To:** Montgomery County Fire & Rescue Services  
255 Rockville Pike  
2nd Floor

Rockville, MD 20850

**Date:** 9/9/2011  
**Project #:** 0506W4  
**Via:** Hand Delivery  
**Media:** Originals

**Attention:** Marie La Baw

**Regarding:** WINCHESTER PHASE 2 -CABIN BRANCH MCFRS  
ACCESS PLANS

Quantity	Description
4	Signed Fire Access Plans
1	Signed Fire Lane Establishment Order
1	Draft Traffic Order

**These are transmitted for:**

Approval

**Remarks:**

**Recipients:**

To: Marie La Baw  
CC: Sylke Knuppel

Signed: \_\_\_\_\_  
From: Phillip Wagner

LETTER H



**MONTGOMERY COUNTY FIRE AND RESCUE SERVICE**

Isiah Leggett  
*County Executive*

Richard Bowers  
*Fire Chief*

Date: \_\_\_\_\_

**Fire Lane Establishment Order**

Pursuant to Section 22-33, Montgomery County Code, 1971, as amended, you are hereby notified that a Fire Lane has been established as described in this order. You are hereby ordered to post fire lane signs and paint curbs/pavement as identified below. When signs or paint work has been completed, this order will authorize the enforcement of this Fire Lane by appropriate police or fire officials. Compliance with this order must be achieved within 30 days of receipt when any of the following conditions are met:

- One or more structures addressed from the subject road are occupied;
- The road or accessway is available for use and at least one building permit for an address on the subject road has been issued; or
- The road or accessway is necessary fire department access.

**LOCATION:** CLARKSBURG, MD; SOUTHWEST QUADRANT, INTERSECTION  
OF CLARKSBURG ROAD AND INTERSTATE 270

Delineate all areas where indicated by signs and/or paint.

- SIGNS** -- (See attached diagram for location of sign placement)



(Red letters on white background)

Signs must be posted so that it is not possible to park a vehicle without being in sight of a sign. Signs may be no further apart than 100 feet.

- PAINT** -- (See attached diagram when painting is required)

Paint must be traffic yellow with lines of sufficient width to be readily identifiable/readable by motor vehicle operators.

\_\_\_\_\_  
Signature of Order Writer/I.D. #

Cc: Fire Code Enforcement Section  
Attachment: Fire Lane Diagram

LETTER H

2

FIRE LANE ESTABLISHMENT FORM

BUILDING OR SUBDIVISION NAME: WINCHESTER PHASE 2 - CABIN BRANCH

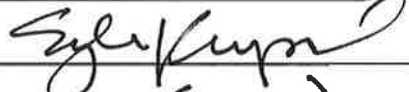
FIRE LANE LOCATION/ADDRESS: CLARKSBURG, MD; SOUTHWEST QUADRANT, INTERSECTION OF CLARKSBURG ROAD AND INTERSTATE 270, SEE ATTACHED PLANS

See attached drawing for designated fire lanes:

I have received the drawing and instructions for installing the designated fire lanes on property not owned by state or local government.

NAME AND TITLE OF PROPERTY REPRESENTATIVE

NAME: SYLKE KNUPPEL TITLE: DEVELOPMENT MANAGER, WINCHESTER HOMES

SIGNATURE: 

PHONE: 301-803-4800 (4855) DATE: \_\_\_\_\_

ADDRESS (where processed order will be mailed):

6905 ROCKLEDGE DRIVE, SUITE 800, BETHESDA, MD 20814

The designated fire lanes are the minimum necessary for fire/rescue access and are in accordance with Section 22-33 of the Fire Safety Code.

NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

STA.#: \_\_\_\_\_ I.D.#: \_\_\_\_\_ DATE: \_\_\_\_\_

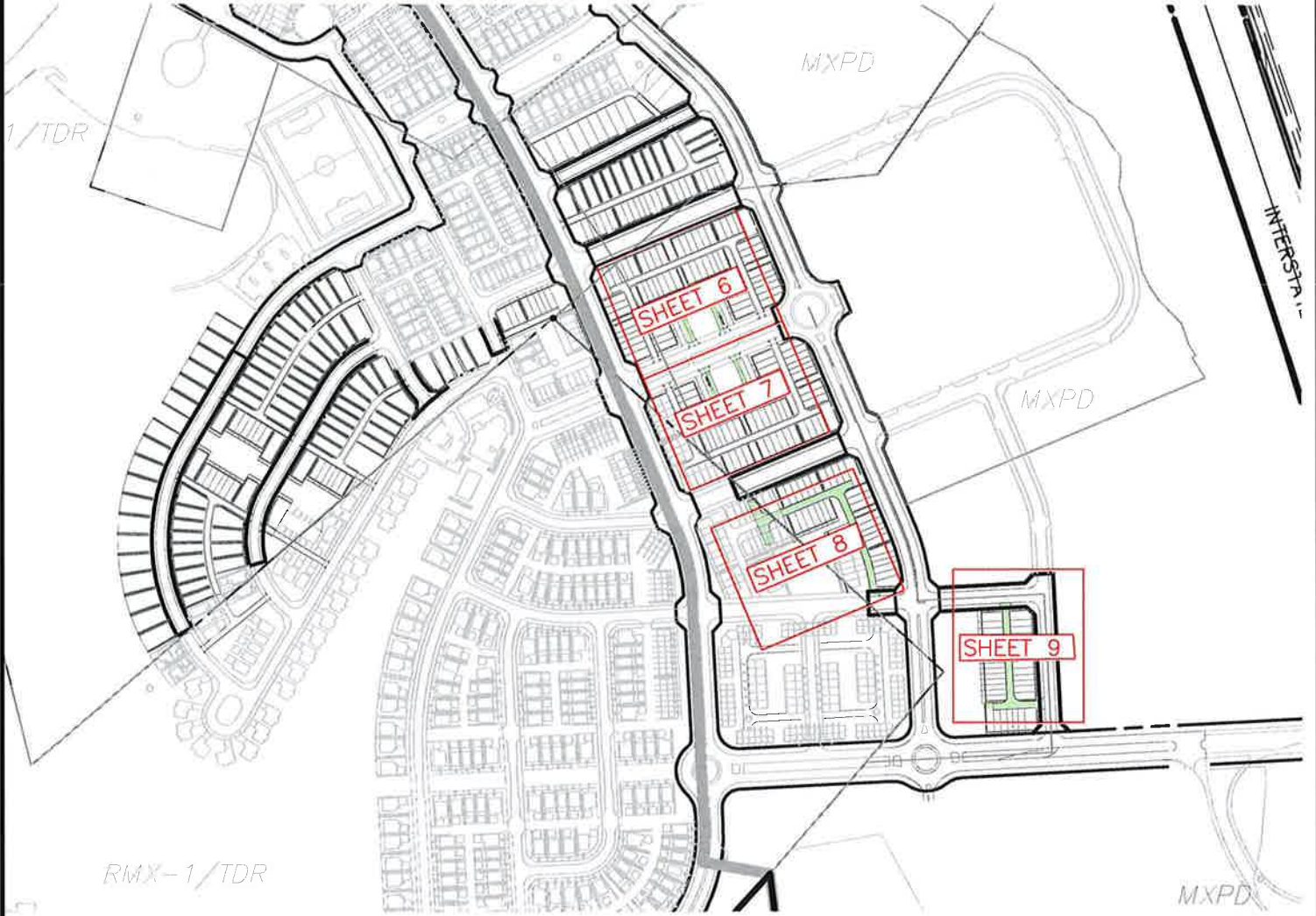
Comments: \_\_\_\_\_

Fire Lane Installed Per Order

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

LETTER H

# WINCHESTER PHASE 2 CABIN BRANCH FIRE LANE SIGN PACKAGE



**SHEET INDEX:**

SHEET No.	PLAN TYPE	DESCRIPTION
MCFRS-1	FIRE LANE SIGNAGE PLAN	COVER SHEET-KEY MAP
MCFRS-2	FIRE LANE SIGNAGE PLAN	NOTES
MCFRS-3	FIRE LANE SIGNAGE PLAN	SAMPLE SIGN
MCFRS-4	FIRE LANE SIGNAGE PLAN	TYPICAL SIGNS & PLACEMENT
MCFRS-5	FIRE LANE SIGNAGE PLAN	SIGN PLACEMENT & CURB PAINT DIAGRAM
MCFRS-6	FIRE LANE SIGNAGE PLAN	PLAN VIEW LAYOUT
THROUGH MCFRS-9		

**NOTE:**  
The Planimetric information shown on this plan is based in part on copyrighted GIS Data from M-NCPPC, and may not be copied or reproduced without express written permission from M-NCPPC.

**LEGEND**

	<b>FIRE HYDRANT</b>
	<b>ACCESS ROUTE</b>
	<b>FIRE LANE SIGN</b>

**WINCHESTER PHASE 2 - CABIN BRANCH**

## FIRE LANE SIGNAGE PLAN

ELECTION DISTRICT No. 2  
MONTGOMERY COUNTY

**RODGERS  
CONSULTING**

*Knowledge • Creativity • Enduring Values*

19847 Century Boulevard  
Suite 200  
GermanTown, Maryland 20874  
Ph: 301.948.4700 (Main)  
Ph: 301.253.6609 (Frederick)  
F: 301.948.6256  
www.rodgers.com

	BY	DATE	SCALE: 1" = 500'
BASE DATA	CADD	09/10	JOB No. 680A15
DESIGNED	PTW	09/10	DATE: NOV. 2010
DRAWN	PTW	09/10	<b>MCFR-1</b>
REVIEWED			SHEET No. 1 OF 9
RELEASE FOR		<input type="checkbox"/>	
BY	DATE		

# LETTER H

## SIGNAGE GENERAL NOTES:

### Characteristics

Signs shall be all-season durable with red reflective lettering on a white background.

### Where Required

Fire lane signs may be required in areas that meet the following criteria:

- Fire department access roadways with clear and unobstructed pavement width *less than 28 feet wide* - signs shall be posted on *both sides* and/or *per direction from the fire marshal*.
- Fire department access roadways with clear and unobstructed pavement width *between 28 feet and 36 feet wide* - signs shall be posted on *one side only* and/or *per direction from the fire marshal*.
- Fire department access roadways with clear and unobstructed pavement width *exceeding 36 feet wide* - fire lane restrictions *per direction from the fire marshal*.
- Fire department access roadways with limiting factors such as traffic calming devices, heavy volume, access to high risk occupancies, etc - fire lane restrictions *per direction from the fire marshal*.

### Installation

Installation of the NO PARKING signs shall meet all of the following requirements:

- One at the beginning of the restriction (one arrow pointing towards the restriction zone).
- One at the end of the restriction (one arrow pointing back into the restricted zone).
- One *at least* every 100 feet within the restricted area (double arrow pointing in each direction, to indicate the continuing restriction).
- Spaced evenly within the restriction (for straight curbs/zones). For example, if the parking restriction zone is 200 feet long, only one *double arrow* sign is required at a distance of 100 feet from the beginning of the restriction. If the restriction zone is 250 feet long, two *double arrow* signs are required; spaced evenly from each other and from the beginning/ending signs.
- Spaced so that at least one readable sign is visible in front of a parked vehicle from any point along the restriction (for curved curbs/zones and areas that may present visual obstacles).
- Set at an angle of no fewer than 30 degrees and no more than 45 degrees with the lane of traffic flow visible to approaching traffic.

Some areas may need additional fire lane signs. Review by the Fire Marshal's office will identify additional requirements.

### Other Fire Lane Designations

MCFRS Office of the Fire Marshal *may* require other designations such as curb painting in addition to signs. Per *NFPA 1 Section 18.2.3.5* where required by the Montgomery County Fire and Rescue Service, approved signs or other approved notices shall be maintained to identify fire department access roads.

WINCHESTER PHASE 2 – CABIN BRANCH

## FIRE LANE SIGNAGE PLAN

ELECTION DISTRICT No. 2  
MONTGOMERY COUNTY



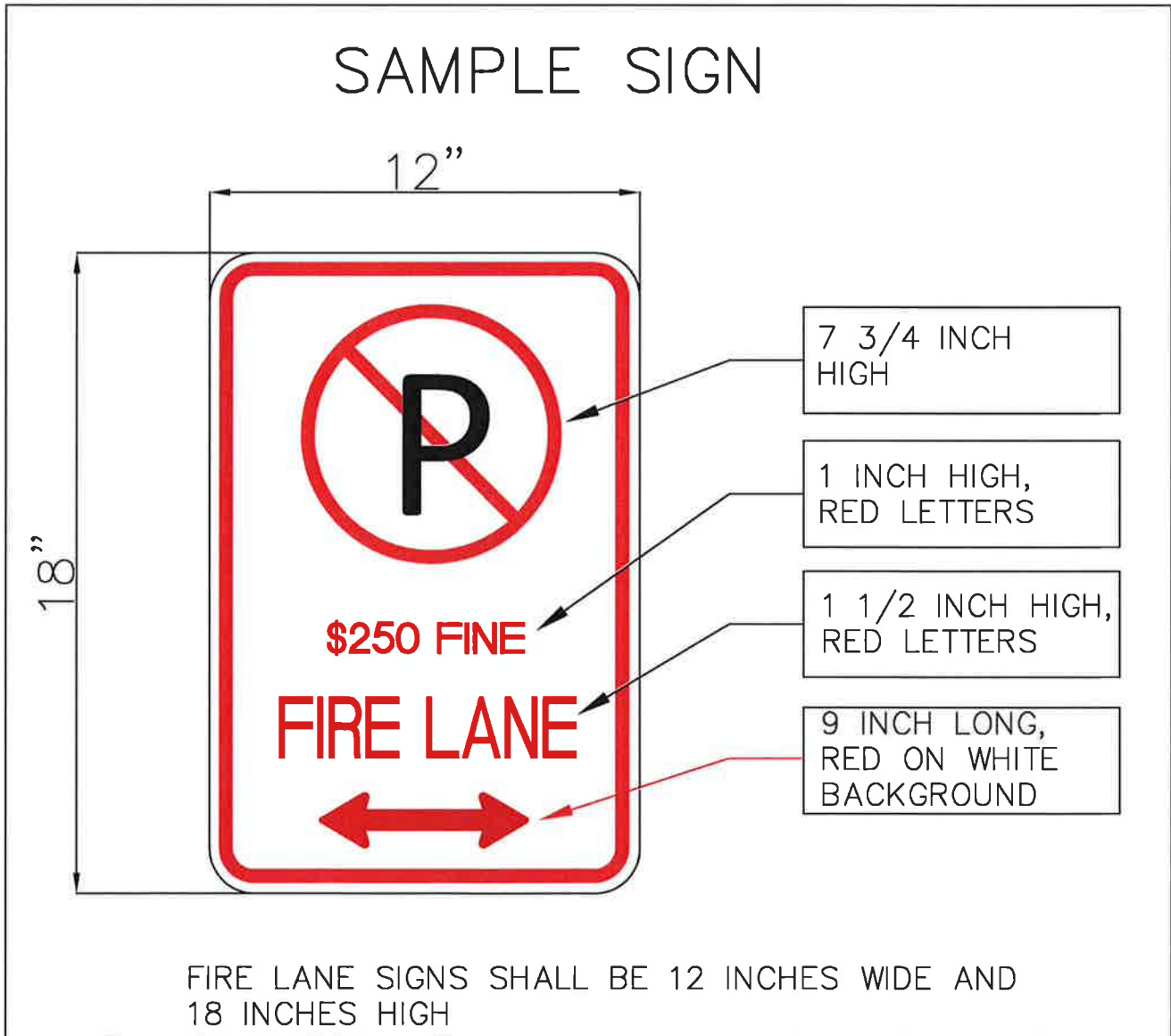
19847 Century Boulevard  
Suite 200  
Germantown, Maryland 20874  
Ph: 301 948 4700 (Main)  
Ph: 301 253 6009 (Frederick)  
Fx: 301 948 6256  
www.rodgers.com

	BY	DATE	SCALE:
BASE DATA	CADD	09/10	JOB No. 680A15
DESIGNED	PTW	09/10	DATE: NOV. 2010
DRAWN	PTW	09/10	<b>MCFR-2</b>
REVIEWED			SHEET No. 2 of 9
RELEASE FOR <input type="checkbox"/>			
BY _____		DATE _____	

Per Montgomery County Executive Regulation 29-08AM, Fire Department apparatus access serving one and two family dwellings of three (3) stories or less, and having no window sill greater than twenty-seven (27) feet from grade on the same side of the structure as the access route, may be twenty-six (26) feet wide and allow parking on one side, if there are fifty (50) foot long operating bays at a maximum interval of three hundred (300) feet.

Per Montgomery County Code

- 31-17 No parking within 30 feet of an intersection.
- 31-19 No parking within 5 feet of a driveway.
- 31-20(b) No parking within 30 feet of fire hydrant  
No Parking within 20 feet of painted crosswalk  
No parking within 30 feet of traffic control signal/ device



WINCHESTER PHASE 2 - CABIN BRANCH

## FIRE LANE SIGNAGE PLAN

ELECTION DISTRICT No. 2  
MONTGOMERY COUNTY

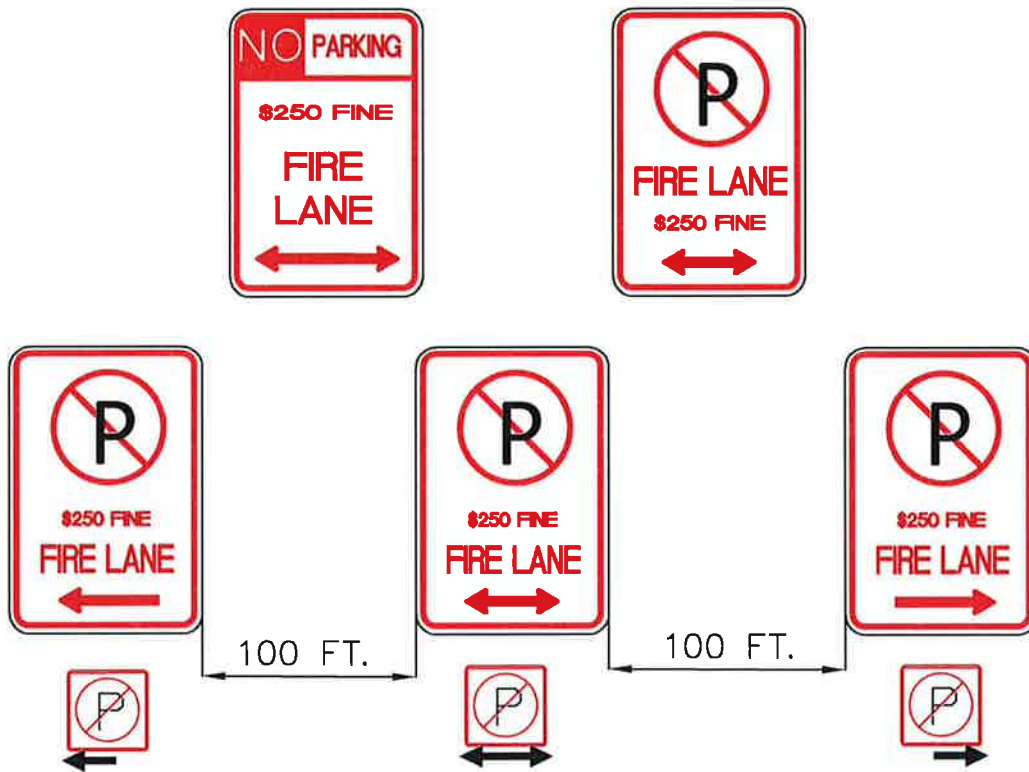


19847 Century Boulevard  
Suite 200  
Germanstown, Maryland 20874  
Ph: 301.948.4700 (Main)  
Ph: 301.253.6009 (Frederick)  
Fx: 301.948.6256  
www.rodgers.com

	BY	DATE	SCALE:
BASE DATA	CADD	09/10	JOB No. 680A15
DESIGNED	PTW	09/10	DATE: NOV. 2010
DRAWN	PTW	09/10	<b>MCFR-3</b>
REVIEWED			SHEET No. 3 OF 9
RELEASE FOR			
BY		DATE	



# TYPICAL SIGNS & PLACEMENT



EITHER TYPE OF SIGN MAY BE USED PROVIDED THE SAME TYPE IS USED CONSISTENTLY

WINCHESTER PHASE 2 - CABIN BRANCH

## FIRE LANE SIGNAGE PLAN

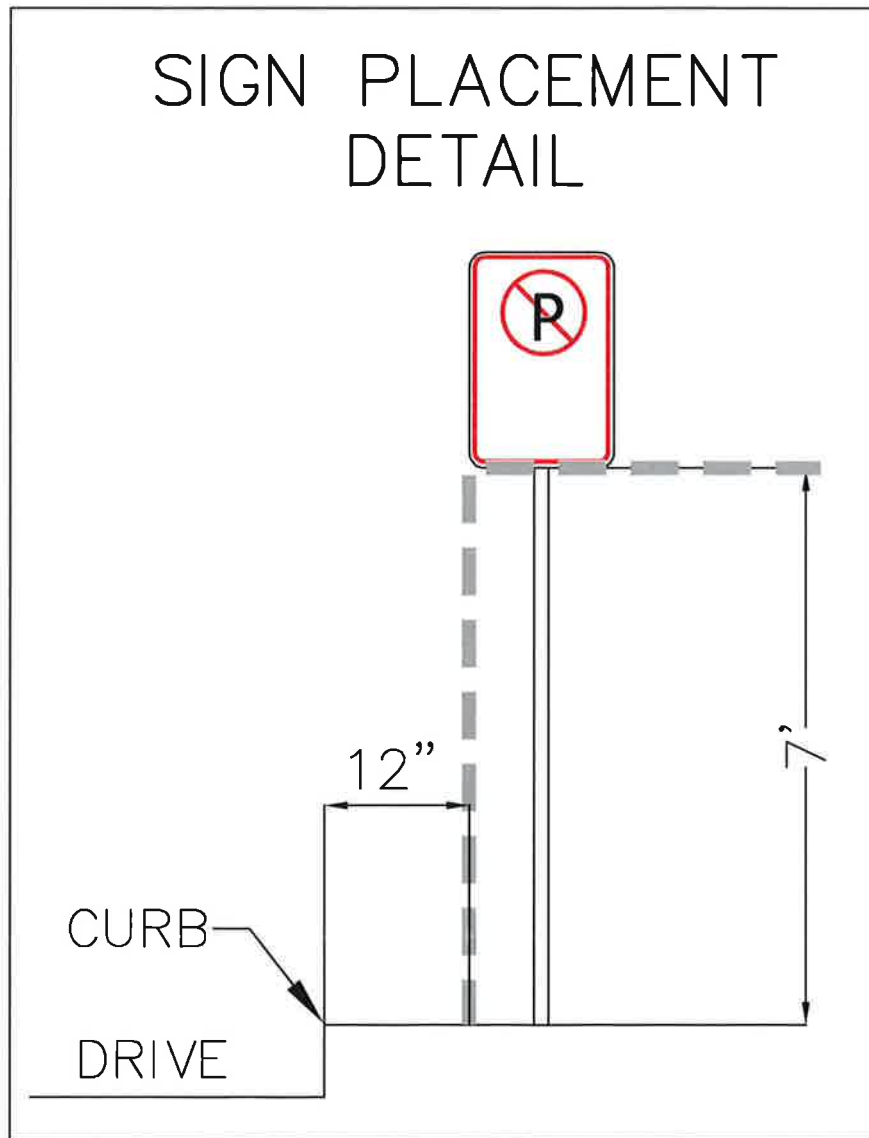
ELECTION DISTRICT No. 2  
MONTGOMERY COUNTY



19847 Century Boulevard  
Suite 200  
Germantown, Maryland 20874  
Ph: 301 948 4700 (Main)  
Ph: 301 253 6609 (Frederick)  
Fx: 301 948 6256  
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	BY	DATE	SCALE:
BASE DATA	CADD	09/10	JOB No. 680A15
DESIGNED	PTW	09/10	DATE: NOV. 2010
DRAWN	PTW	09/10	<b>MCFR-4</b>
REVIEWED			SHEET No. 4 OF 9
RELEASE FOR			
BY		DATE	

# SIGN PLACEMENT DETAIL



WINCHESTER PHASE 2 - CABIN BRANCH

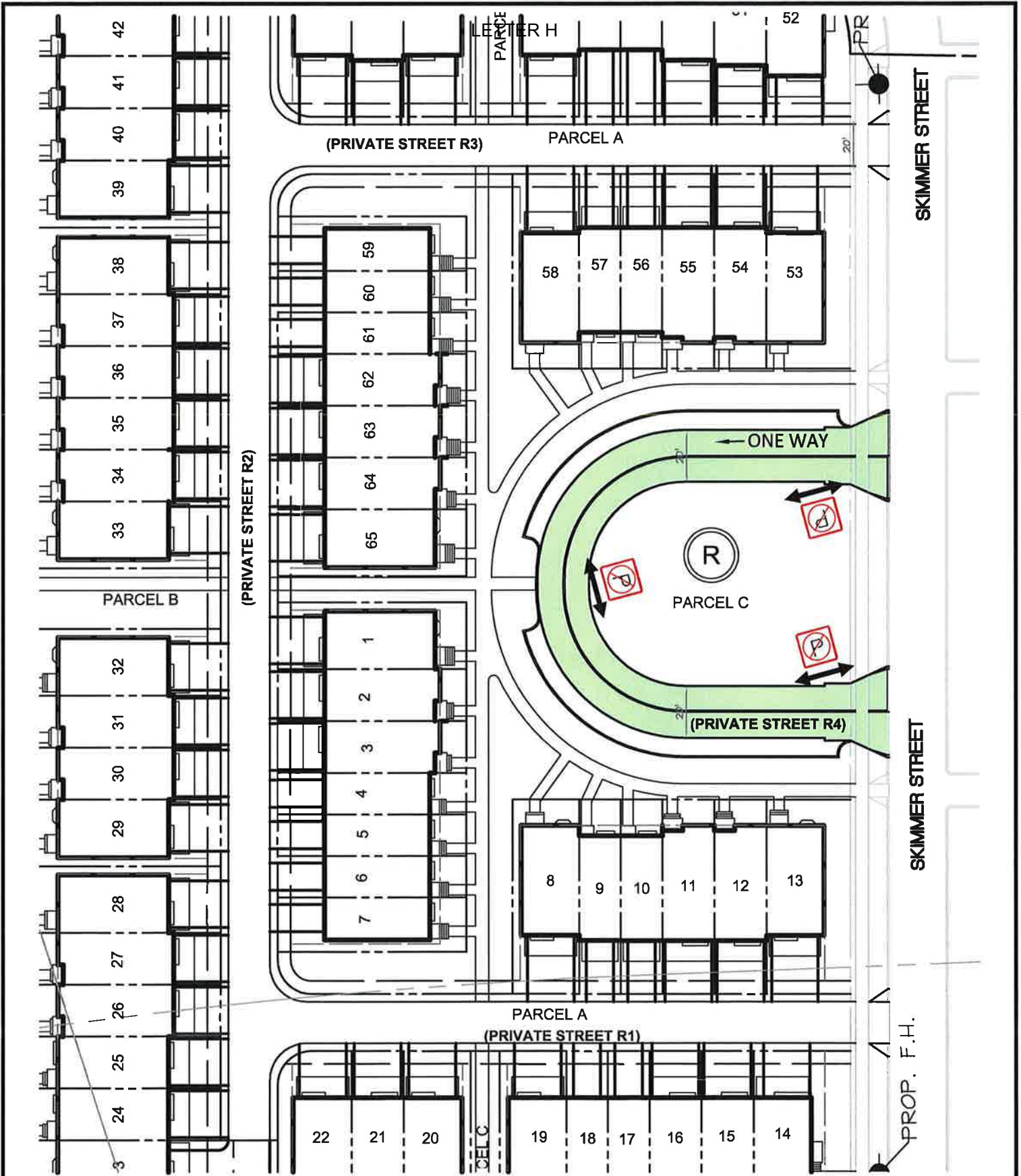
## FIRE LANE SIGNAGE PLAN

ELECTION DISTRICT No. 2  
MONTGOMERY COUNTY



19847 Century Boulevard  
Suite 200  
Germantown, Maryland 20874  
Ph: 301.948.4700 (Main)  
Ph: 301.253.6609 (Frederick)  
Fax: 301.948.6256  
www.rodgers.com

	BY	DATE	SCALE:
BASE DATA	CADD	09/10	JOB No. 680A15
DESIGNED	PTW	09/10	DATE: NOV. 2010
DRAWN	PTW	09/10	<b>MCFR-5</b>
REVIEWED			SHEET No. 5 OF 9
RELEASE FOR			
BY		DATE	



WINCHESTER PHASE 2 - CABIN BRANCH

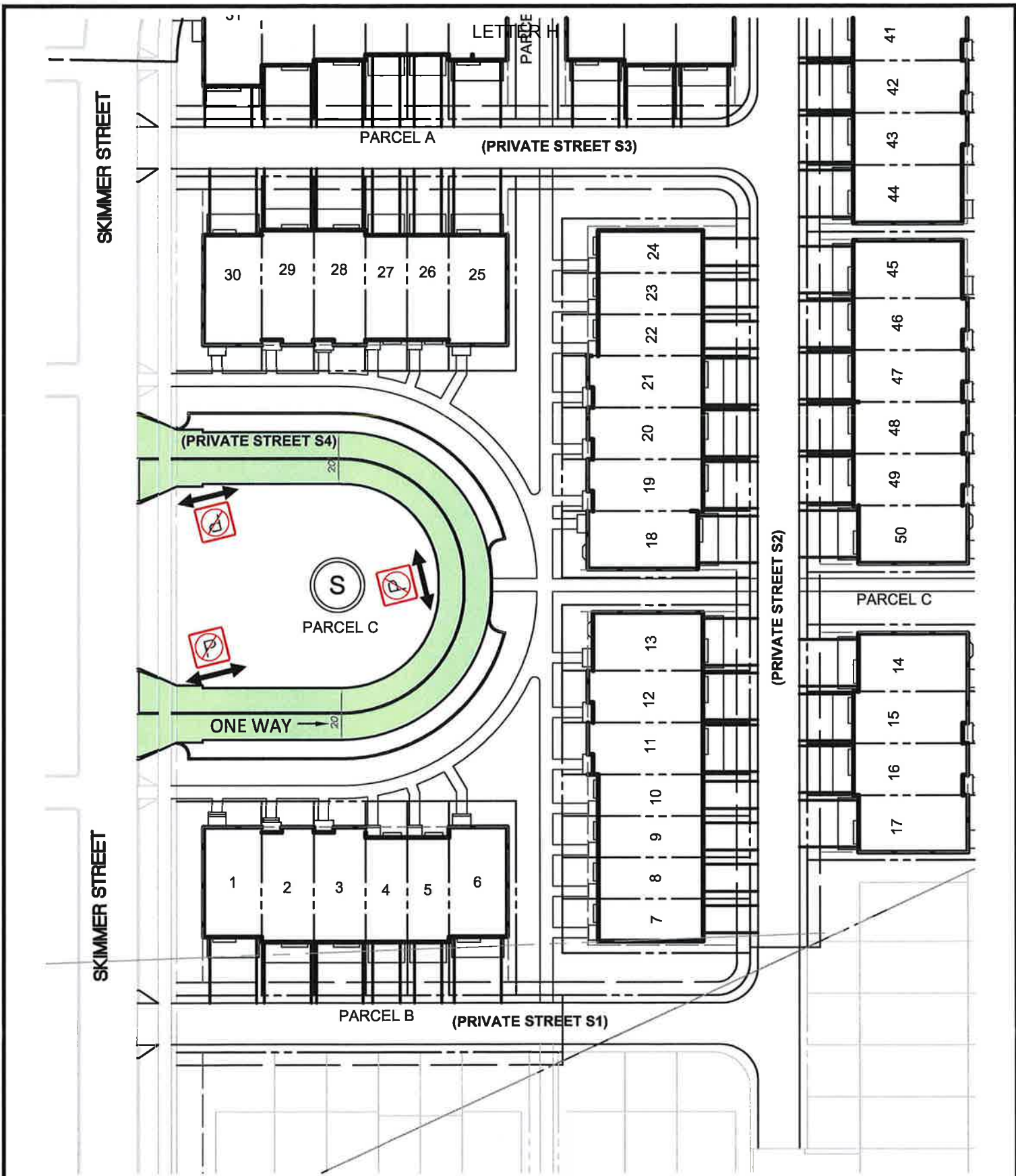
# FIRE LANE SIGNAGE PLAN

ELECTION DISTRICT No. 2  
MONTGOMERY COUNTY



19847 Century Boulevard  
Suite 200  
Germantown, Maryland 20874  
Ph: 301 948 4700 (Main)  
Ph: 301 253 6609 (Frederick)  
F: 301 948 6256  
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BASE DATA	BY	DATE	SCALE: 1" = 50'
DESIGNED	CADD	09/10	JOB No. 680A15
DRAWN	PTW	09/10	DATE: NOV. 2010
REVIEWED	PTW	09/10	<b>MCFR-6</b>
RELEASE FOR			SHEET No. 6 OF 9
BY		DATE	



WINCHESTER PHASE 2 - CABIN BRANCH

# FIRE LANE SIGNAGE PLAN

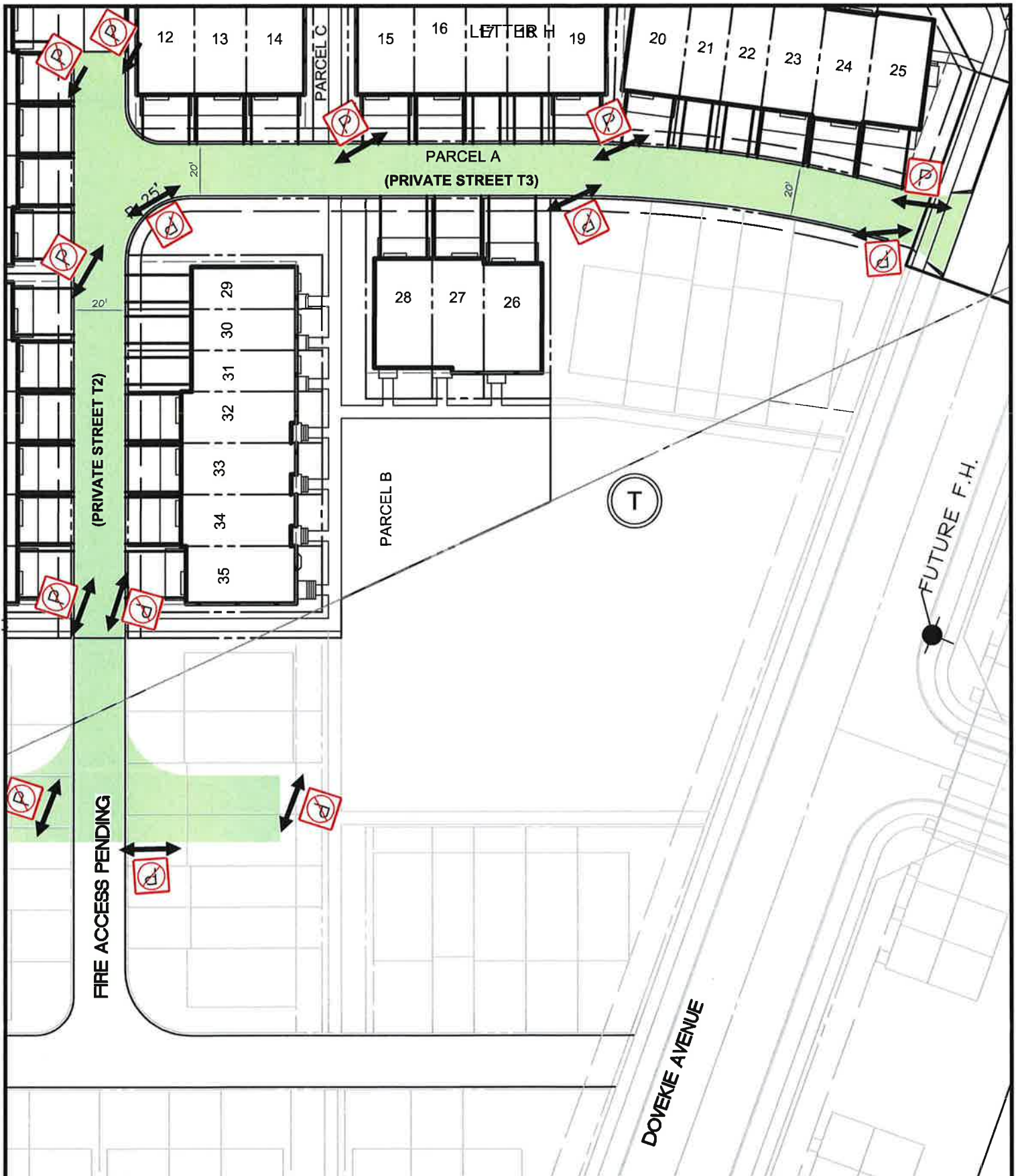
ELECTION DISTRICT No. 2  
MONTGOMERY COUNTY



19847 Century Boulevard  
Suite 200  
Germanstown, Maryland 20874  
Ph: 301 948 4700 (Main)  
Ph: 301 253 6609 (Frederick)  
F: 301 948 6256  
www.rodgers.com

	BY	DATE
BASE DATA	CADD	09/10
DESIGNED	PTW	09/10
DRAWN	PTW	09/10
REVIEWED		
RELEASE FOR	<input type="checkbox"/>	
BY _____	DATE _____	

SCALE: 1" = 50'
JOB No. 680A15
DATE: NOV. 2010
<b>MCFR-7</b>
SHEET No. 7 OF 9



WINCHESTER PHASE 2 - CABIN BRANCH

# FIRE LANE SIGNAGE PLAN

ELECTION DISTRICT No. 2  
MONTGOMERY COUNTY



19847 Century Boulevard  
Suite 200  
Germantown, Maryland 20874  
Ph: 301 948 4700 (Main)  
Ph: 301 253 6609 (Frederick)  
Fk: 301 948 6256  
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	BY	DATE	SCALE: 1" = 50'
BASE DATA	CADD	09/10	JOB No. 680A15
DESIGNED	PTW	09/10	DATE: NOV. 2010
DRAWN	PTW	09/10	<b>MCFR-8</b>
REVIEWED			SHEET No. 8 OF 9
RELEASE FOR		<input type="checkbox"/>	
BY		DATE	

LETTER H



WINCHESTER PHASE 2 - CABIN BRANCH

# FIRE LANE SIGNAGE PLAN

ELECTION DISTRICT No. 2  
MONTGOMERY COUNTY



19847 Century Boulevard  
Suite 200  
Germantown, Maryland 20874  
Ph: 301 948 4700 (Main)  
Ph: 301 253 6609 (Frederick)  
Fax: 301 948 6256  
www.rodgers.com

	BY	DATE	SCALE: 1" = 50'
BASE DATA	CADD	09/10	JOB No. 680A15
DESIGNED	PTW	09/10	DATE: NOV. 2010
DRAWN	PTW	09/10	<b>MCFR-9</b>
REVIEWED			SHEET No. 9 OF 9
RELEASE FOR			
BY	DATE		

## **CABIN BRANCH, WINCHESTER PHASE 2**

### **DRAFT TRAFFIC ORDER 9-9-11**

#### Limits of "No Parking Any Time" Regulations on streets in Winchester Phase 2, Cabin Branch Subdivision

Parking is as shown on Sheet 3 of 7 Fire Access and Emergency Parking Plan.

1. On the west side of Cabin Branch Avenue.
2. On the east side of Broadway Avenue
3. On the west side of Broadway Avenue, 150' north and 60' south of Petrel Place centerline.
4. On the west side of Broadway Avenue, 119-169' north of Skimmer Street centerline.
5. On Skimmer Street both sides.
6. On the south side of Lapwing Way.
7. On the north side of Petrel Place, between Broadway Avenue and 30' east of fire hydrant.
8. On Skimmer Street, both sides.
9. On the north side of Harrier Way, 25' west of midblock crosswalk to 30' east of fire hydrant.
10. On the south side of Harrier Way, 25' west and east of midblock crosswalk.
11. On Dovekie Avenue, both sides, between Cabin Branch Avenue and 35' west of private street T3.
12. On Dovekie Avenue, south side, 35' west of Private Street U1 to Plover Place.
13. On Plover Place, east side.
14. On Plover Place, west side, 35' north of Private Street U2 to Little Seneca Parkway.
15. On Little Seneca Parkway, both sides.
16. On Fulmer Avenue, east side.
17. On Flycatcher court, west side.
18. On Stilt Street, north or west side.
19. On Stilt Street, east side, 25' south and north of fire hydrant in front of lot 14, block Y.
20. On Stilt Street, south side, 20' from both sides of 10' midblock crosswalk.
21. On Stilt Street, south side, 50' operating bay between adjacent to lot 26 and lot 27, block X.
22. On Godwit Street, south/east side.
23. On Godwit Street, north side, 20' from both sides of 10' midblock crosswalk.
24. On Godwit Street, north side, from 30' west of fire hydrant to Flycatcher Court.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Richard Y. Nelson, Jr.  
Director

September 9, 2011

Ms. Sylke Knuppel, PE  
Development Manager  
Winchester Homes  
6905 Rockledge Drive, Suite 800  
Bethesda, MD 20817

RE: Winchester Homes Cabin Branch Phases 1 and 2 Site Plan Comments  
(Site Plan Nos. 82006029A and 820110080)

Dear Ms. Knuppel:

The Department of Housing and Community Affairs (DHCA) has reviewed your responses to DHCA's Development Review Committee (DRC) comments on the above site plans at the May 2, 2011 and June 13, 2011 DRC meetings. The responses that you have provided satisfactorily address DHCA's DRC comments, and DHCA has no further comments at this time.

If you have any questions, please contact me at 240-777-3786.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Mary Beth O'Quinn, M-NCPPC  
Christopher J. Anderson, DHCA

S:\Files\FY2012\Housing\MPDU\Lisa Schwartz\Cabin Branch Winchester Letter 9-9-11.doc

**Division of Housing and Code Enforcement**

Code Enforcement FAX 240-777-3701	Moderately Priced Dwelling Unit FAX 240-777-3709	Housing Development & Loan Programs FAX 240-777-3691	Landlord-Tenant Affairs FAX 240-777-3691	Licensing & Registration Unit 240-777-3666 FAX 240-777-3699
--------------------------------------	-----------------------------------------------------	---------------------------------------------------------	---------------------------------------------	-------------------------------------------------------------------

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-3600 • www.montgomerycountymd.gov/dhca





## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid  
Director

September 15, 2011

Mr. Philip R. Hughes, P.E.  
Rodgers Consulting Inc.  
19847 Century Blvd., Suite 200  
Germantown, Maryland 20874

Re: **Final Water Quality Plan and  
Stormwater Management Concept for  
Cabin Branch Winchester Phase 2  
SM File #: 239941  
Tract Size/Zone: 38.2 Ac./Mixed Res.  
Watershed: Little Seneca Creek**

**SPECIAL PROTECTION AREA**

Dear Mr. Hughes:

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 38.2 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:** Stormwater management for this site will be provided via five extended detention dry ponds. These structures will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours. 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) 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 (non-structural) water quality structures where groundwater or bedrock is not encountered.

## LETTER H

Philip R. Hughes  
September 15, 2011  
Page 2

**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 DEPs predevelopment Monitoring Memorandum dated June 3, 2003 (SM#207133) 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 September 6, 2011 and included with this Final Water Quality Plan approval letter.

## LETTER H

Philip R. Hughes  
September 15, 2011  
Page 4

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. 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 stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

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:CN239941

cc: R. Kronenberg (MNCPPC-DR)  
J. Penn (MNCPPC-ED)  
W. Green (MCDEP)  
L. Galanko  
SM File # 239941

Qn: on-site 38.2 ac  
Ql: on-site 38.2 ac  
Recharge provided

## LETTER H



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
*County Executive*

Robert G. Hoyt  
*Director*

**Attachment to the Final Water Quality Plan for Cabin Branch Winchester II  
Description of BMP Monitoring Requirements**

SM: # 239941

Date: 06 September 2011

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 and any other portions of the Cabin Branch Development (i.e., Cabin Branch Toll-1; SM# 230864).

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>

## LETTER H

**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 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. The storm frequency (return interval) should be reported using the National Oceanic and Atmospheric Administration (NOAA) Precipitation Frequency Data Server ([http://dipper.nws.noaa.gov/hdsc/pfds/orb/md\\_pfds.html](http://dipper.nws.noaa.gov/hdsc/pfds/orb/md_pfds.html)). 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 assessed for up to two (2) individual SWM structures. The SWM BMPs to be monitored (i.e., biofilter, underground structure) will be determined during detailed plan review. Monitoring will require the collection of automated flow-weighted storm composite samples at the inflow and outflow points of each structure. Usable 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

## LETTER H

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. Monitoring of porous/permeable pavement infiltration performance is required. Monitoring locations, methods, and frequency will be determined during detailed plan review.
6. 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	MDL	RDL
Nitrate + Nitrite	L10-107-04-1-A	0.010 to 0.011mg/L	0.2mg/L
TKN	L10-107-06-2-D	0.05 mg/L	0.5mg/L
Orthophosphorus	EPA 365.3	0.01 mg/L	0.01mg/L
Total Phosphorus	L10-115-01-1-E	0.063 to 0.064 mg/L	0.2mg/L
Total Suspended Solids	SM 2540D	N/A	1.0mg/L
Total Cadmium	EPA 200.8 REV 5.4, 200.9	0.1 to 1.0 µg/L	2 to 5 µg/L
Total Copper	EPA 220.8 REV 5.4	0.5 to 8 µg/L	2 to 5 µg/L
Total Lead	EPA 200.8 REV 5.4, 200.9	0.1 to 3 µg/L	2 to 5 µg/L
Total Zinc	EPA 200.8 REV 5.4, 200.9	0.5 to 16 µg/L	2 to 10 µg/L
BOD	SM 5210 B	0.95mg/L	2.0mg/L
COD	EPA 410.4	n/a	n/a
EPA – Environmental Protection Agency SM – Standard Methods L – Lachat Instrument Methods MDL – Method Detection Limit RDL – Reportable Detection Limit (also known as Performance Quantitation Limit)			

The durations for item 2 remain 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. Items 4 and 5 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.

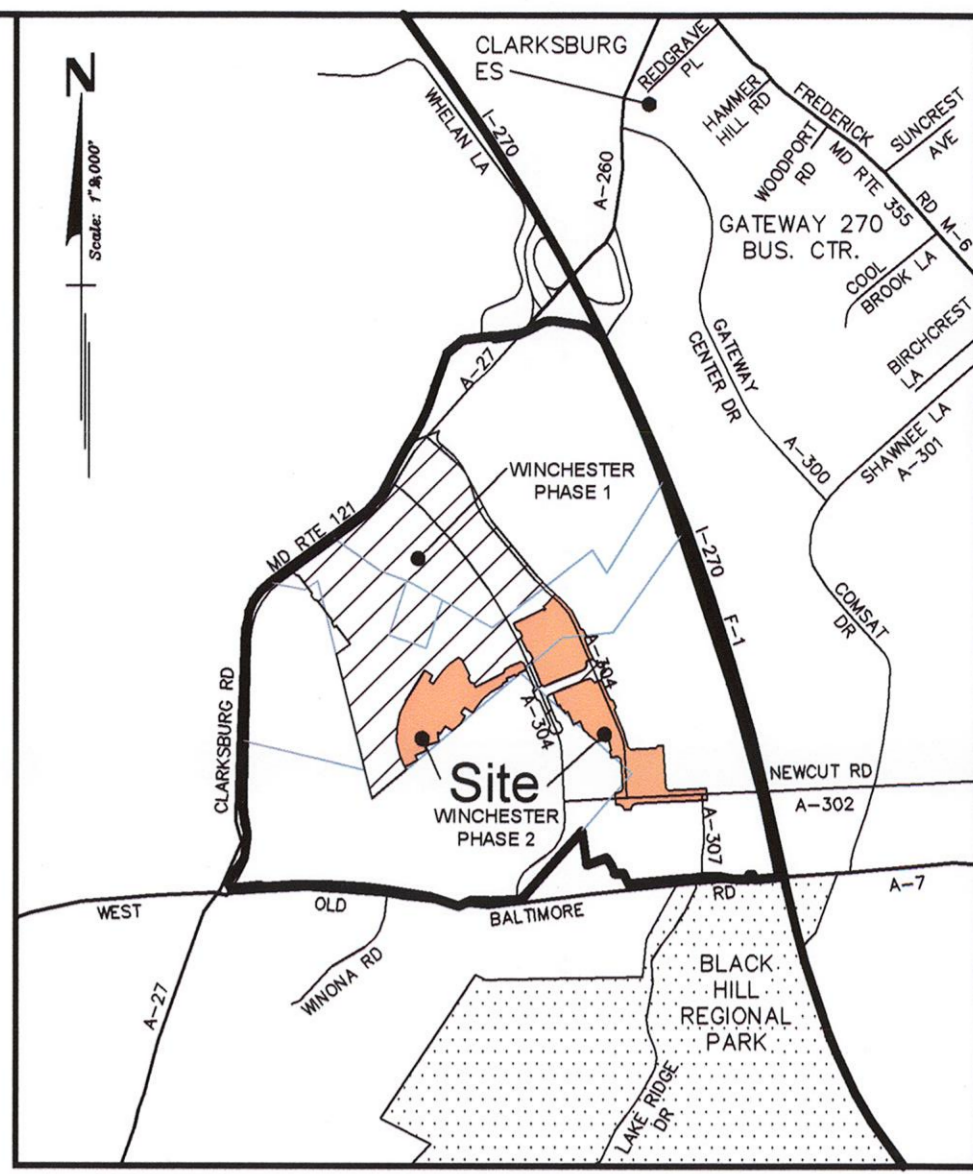
LETTER H

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

William Green (DEP)  
(240) 777-7745  
[william.green@montgomerycountymd.gov](mailto:william.green@montgomerycountymd.gov)

Leo Galanko (DPS)  
(240) 777-6242  
[leo.galanko@montgomerycountymd.gov](mailto:leo.galanko@montgomerycountymd.gov)

# FIRE ACCESS EMERGENCY & PARKING PLAN WINCHESTER - PHASE 2 CABIN BRANCH CLARKSBURG, MARYLAND



Vicinity Map  
1" = 2,000'

**General Notes:**

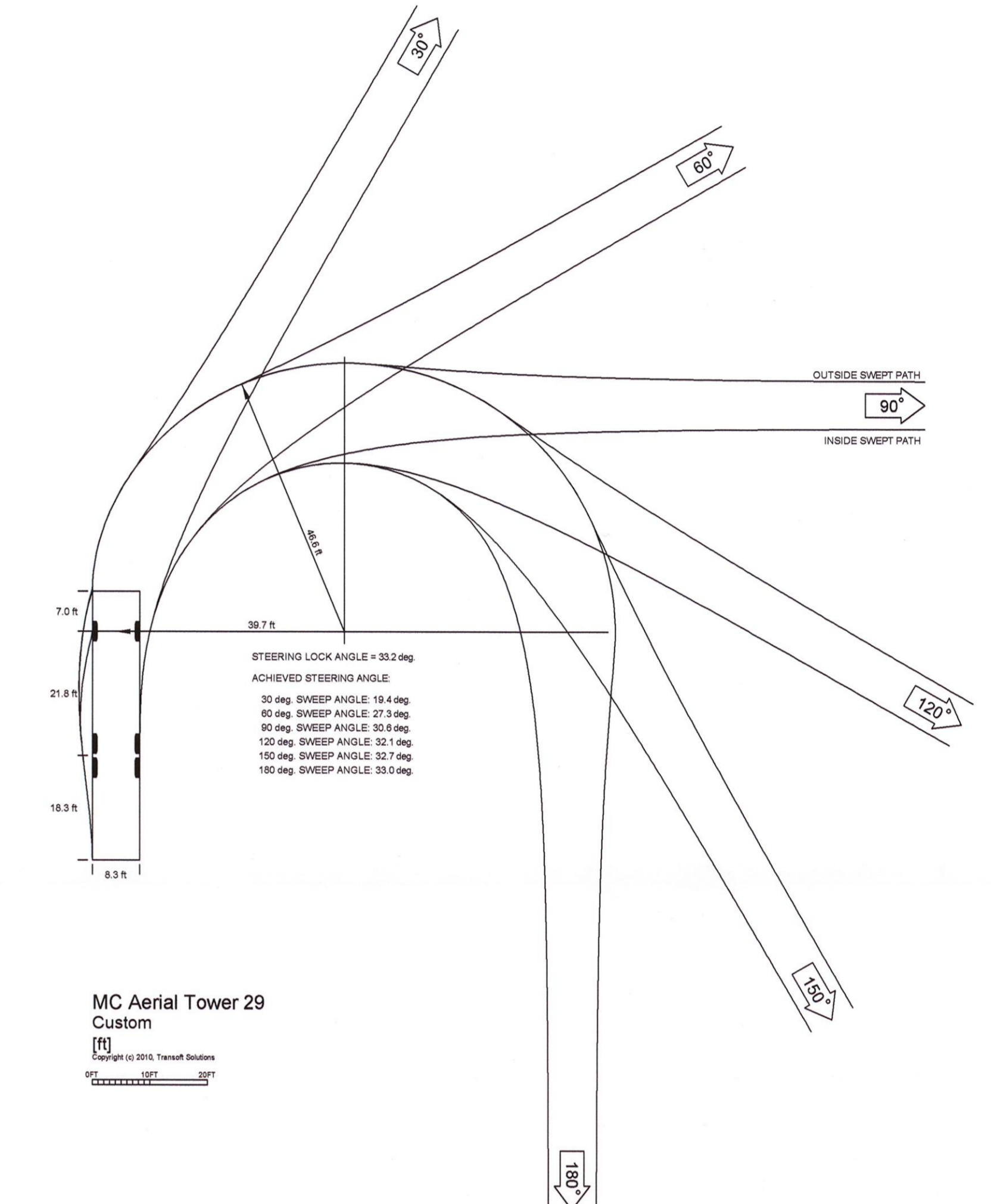
1. If the distance between finished grade at the front of the building, at the highest window sill of a building is in excess of twenty-seven (27) feet, then on-street emergency vehicle operating bays for trucks equipped with emergency apparatus must be provided to access such window sills.
2. For attached dwellings, if the distance between grade at the front of the building and the lowest point of the roof (e.g. gutter line) is in excess of twenty-seven (27) feet, then on-street emergency vehicle operating bays must be provided to access the roof to provide fire ventilation.
- 2.1. An exception will be granted if a sprinkler system is installed in the attic area and the highest window sill is less than or equal to twenty-seven (27) feet from grade/ in this case access will be obtained via a traditional thirty-five (35) foot ladder.
3. Per Montgomery County Executive Regulation 29-08AM, Fire Department apparatus access serving one and two family dwellings of three (3) stories or less, and having no window sill greater than twenty-seven (27) feet from grade on the same side of the structure as the access route, may be twenty-six (26) feet wide and allow parking on one side, if there are fifty (50) foot long operating bays at a maximum interval of three hundred (300) feet.
4. One and two-family dwellings of three (3) stories or less must provide access to the occupied interior through a main, side-hinged door within 150 feet of a fire department access route. For units of three (3) stories or more, access must be within fifty (50) feet of access route.
5. For divided streets twenty-two (22) feet wide in each direction, with eight (8) foot wide median in the center there shall be no parking on one side of the street, to provide for emergency vehicle access and staging, the other side of the street will be serviced from across the median.
6. The access roads with parking on one side shall be a minimum of twenty-six (26) feet wide.
7. The applicant is to provide, on the developers individual site plans, elevation views for proposed structure types noting the maximum potential elevation from the finished grade, the the window sill and the lowest point of the roof.

**Note:**

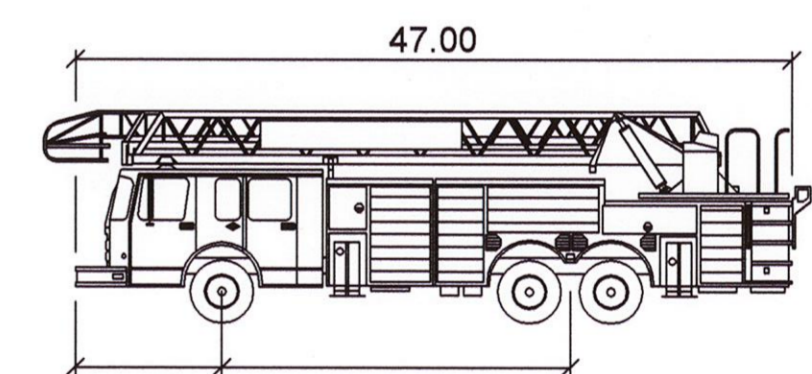
Where fire access is provided by means of private streets (alleys) the street names are to be approved by MNCPPC.



LOCATION MAP  
SCALE: 1" = 400'



MC Aerial Tower 29  
Custom  
© 2010, Trench Studios



<b>MC Aerial Tower 29</b>	
Width	: 8.25
Track	: 8.25
Lock to Lock Time	: 6.0
Steering Angle	: 33.2

**FIRE CODE ENFORCEMENT**  
Fire Department Access Routes  
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

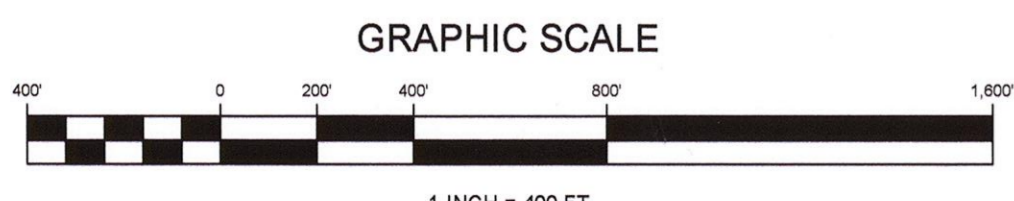
By: S.K. PM 43 Date: 9/1/11

**SHEET INDEX:**

SHEET No.	PLAN TYPE	DESCRIPTION
1 OF 7	FIRE ACCESS EMERGENCY AND PARKING PLAN	COVER SHEET
2 OF 7	FIRE ACCESS EMERGENCY AND PARKING PLAN	FIRE ACCESS PLAN
3 OF 7	FIRE ACCESS EMERGENCY AND PARKING PLAN	PARKING PLAN
4 OF 7	FIRE ACCESS EMERGENCY AND PARKING PLAN	VEHICULAR MOVEMENTS PLAN
5 OF 7	FIRE ACCESS EMERGENCY AND PARKING PLAN	VEHICULAR MOVEMENTS PLAN
6 OF 7	FIRE ACCESS EMERGENCY AND PARKING PLAN	VEHICULAR MOVEMENTS PLAN
7 OF 7	FIRE ACCESS EMERGENCY AND PARKING PLAN	VEHICULAR MOVEMENTS PLAN

**PROFESSIONAL CERTIFICATION**

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 18070, Expiration Date: 01/10/12.



REVISION	DATE	REVISION	DATE	REVISION	DATE

**Owner/Developer:**  
WINCHESTER HOMES, INC.  
  
6905 Rockledge Drive, Suite 800  
Bethesda, Maryland 20817  
Phone: (301) 803-4800  
Fax: (301) 803-4929  
Contact: Sylke Knuppel

**WINCHESTER PHASE 2  
CABIN BRANCH**  
  
ELECTION DISTRICT NO. 2  
MONTGOMERY COUNTY, MARYLAND

**RODGERS CONSULTING**  
Knowledge • Creativity • Enduring Values  
  
19847 Century Boulevard  
Suite 200  
Germantown, Maryland 20874  
Ph: 301.948.4700 (Main)  
Ph: 301.253.6609 (Frederick)  
Ph: 301.948.6256  
www.rodgers.com

BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR		
BY		DATE

**FIRE ACCESS EMERGENCY & PARKING PLAN  
COVER SHEET**

SCALE: 1" = 400'  
JOB No: 506W4  
DATE: MAY, 2011  
SHEET No: 1 OF 7

PRELIMINARY NOT FOR CONSTRUCTION





Note:  
All private streets will be named. All private street names are to be approved by MNCPPC.

SEE SHEETS 4-7 FOR FIRE TRUCK TURNING INSETS

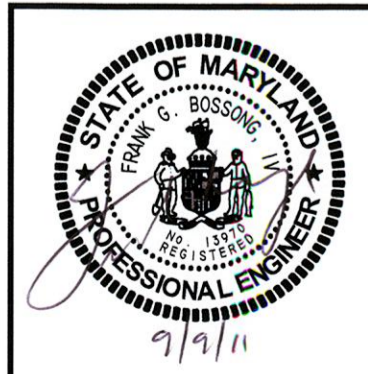
**LEGEND**

- \* HEIGHT RESTRICTED LOTS PER MONTGOMERY COUNTY EXECUTIVE REGULATION 29-08AM
- WINCHESTER PHASE 1 PUBLIC R/W APPROVED SITE PLAN # 820060290
- WINCHESTER PHASE 2 PUBLIC AND PRIVATE FIRE ACCESS SITE PLAN # 820110080
- WINCHESTER PHASE 2 LOTS SITE PLAN # 820110080
- TOLL BROTHERS PHASE 1 PUBLIC R/W SITE PLAN # 820070140 AND TOLL BROTHERS PHASE 2 PUBLIC R/W SITE PLAN # 820100030
- PARKING SPACE/ ON-STREET PARKING
- FIRE HYDRANT AND 300' RADIUS LOCATIONS SUBJECT TO CHANGE PENDING WSSC APPROVAL

**FIRE CODE ENFORCEMENT**  
Fire Department Access Routes  
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

By: *EM* FM 13 Date: *9/19/11*

PROFESSIONAL CERTIFICATION  
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 13970, Expiration Date 6/1/10.



REVISION	DATE	REVISION	DATE	REVISION	DATE

Owner/Developer:  
WINCHESTER HOMES, INC.  
6905 Rockledge Drive, Suite 800  
Bethesda, Maryland 20817  
Phone: (301) 803-4800  
Fax: (301) 803-4929  
Contact: Sylke Knuppel

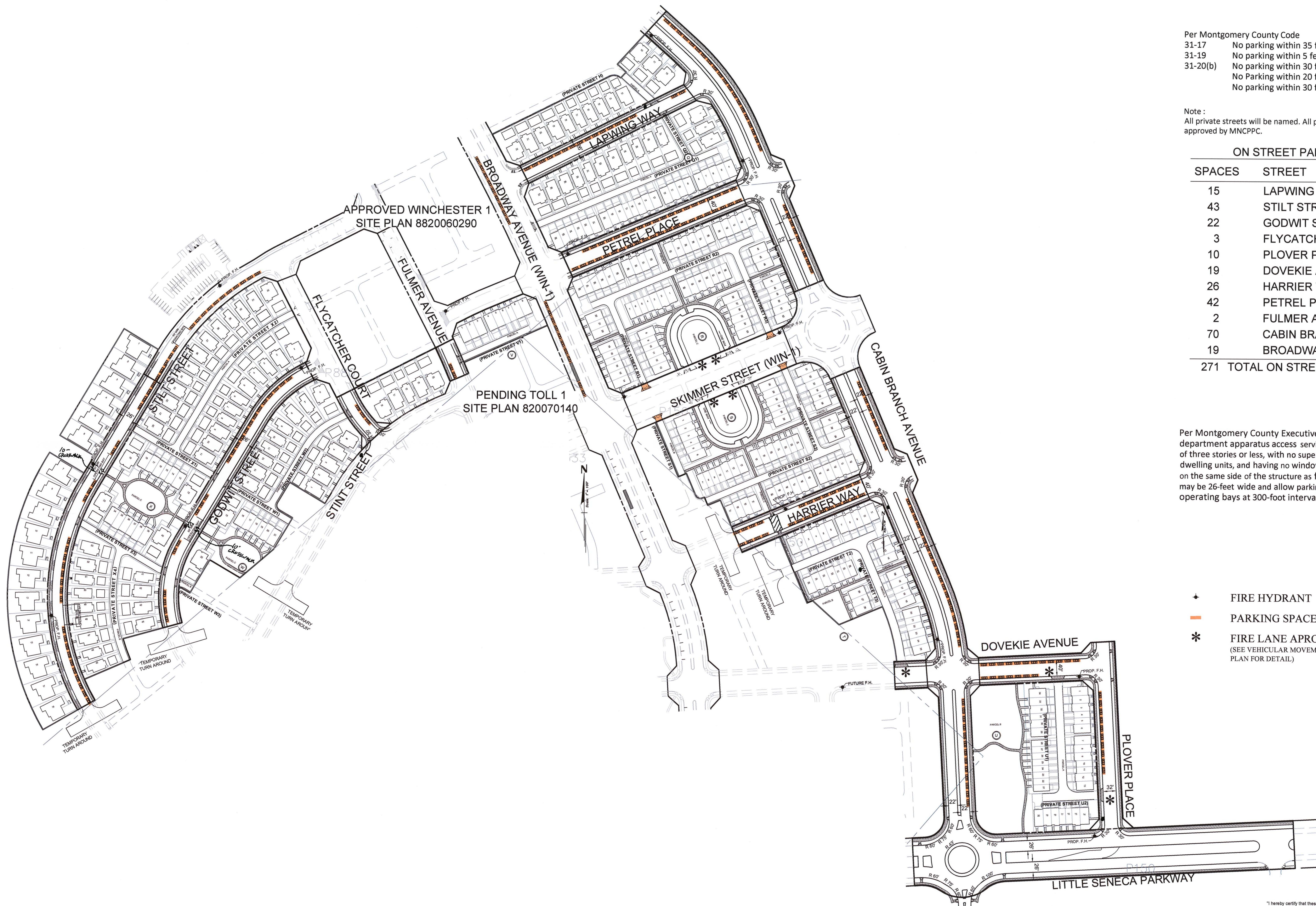
**WINCHESTER PHASE 2  
CABIN BRANCH**  
ELECTION DISTRICT NO. 2  
MONTGOMERY COUNTY, MARYLAND

**RODGERS CONSULTING**  
19847 Century Boulevard  
Suite 200  
Germantown, Maryland 20874  
Ph: 301.948.4700 (Main)  
Ph: 301.233.6600 (Frederick)  
Fax: 301.948.6256  
www.rodgers.com

BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR		
BY: _____	DATE: _____	

**FIRE ACCESS EMERGENCY AND PARKING PLAN  
FIRE ACCESS PLAN**

SCALE: 1" = 100'  
JOB No: 506W4  
DATE: MAY, 2011  
SHEET No: 2 of 7



Per Montgomery County Code  
 31-17 No parking within 35 feet of an intersection.  
 31-19 No parking within 5 feet of a driveway.  
 31-20(b) No parking within 30 feet of fire hydrant  
 No Parking within 20 feet of painted crosswalk  
 No parking within 30 feet of traffic control signal/ device

Note :  
 All private streets will be named. All private street names are to be approved by MNCPPC.

ON STREET PARKING	
SPACES	STREET
15	LAPWING WAY (26' MC-210.02)
43	STILT STREET (26' MC-210.02)
22	GODWIT STREET (26' MC-210.02)
3	FLYCATCHER COURT (26' MC-210.02)
10	PLOVER PLACE (32' MC-214.02)
19	DOVEKIE AVENUE (40' MC-214.03)
26	HARRIER WAY (40' MC-214.03)
42	PETREL PLACE (40' MC-214.03)
2	FULMER AVENUE (26' MC-210.02)
70	CABIN BRANCH AVENUE ((2)x22' MC-219.01)
19	BROADWAY AVENUE ((2)x22' MC-219.01)
271 TOTAL ON STREET SPACES	

Per Montgomery County Executive Regulation 29-08AM, Fire department apparatus access serving one- and two-family dwellings of three stories or less, with no superimposed dwelling units or portions of dwelling units, and having no window sill greater than 27 feet from grade on the same side of the structure as fire department apparatus access, may be 26-feet wide and allow parking on one side, if there are 50-foot long operating bays at 300-foot intervals.

- + FIRE HYDRANT
- PARKING SPACE
- \* FIRE LANE APRON (SEE VEHICULAR MOVEMENTS PLAN FOR DETAIL)

**FIRE CODE ENFORCEMENT**  
 Fire Department Access Barrier  
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.  
 BY: S.M.E. W.M. J.S. Date: 7/11/11



REVISION	DATE	REVISION	DATE	REVISION	DATE

Owner/Developer:  
 WINCHESTER HOMES, INC.  
 6905 Rockledge Drive, Suite 800  
 Bethesda, Maryland 20817  
 Phone: (301) 803-4800  
 Fax: (301) 803-4929  
 Contact: Sylke Knuppel

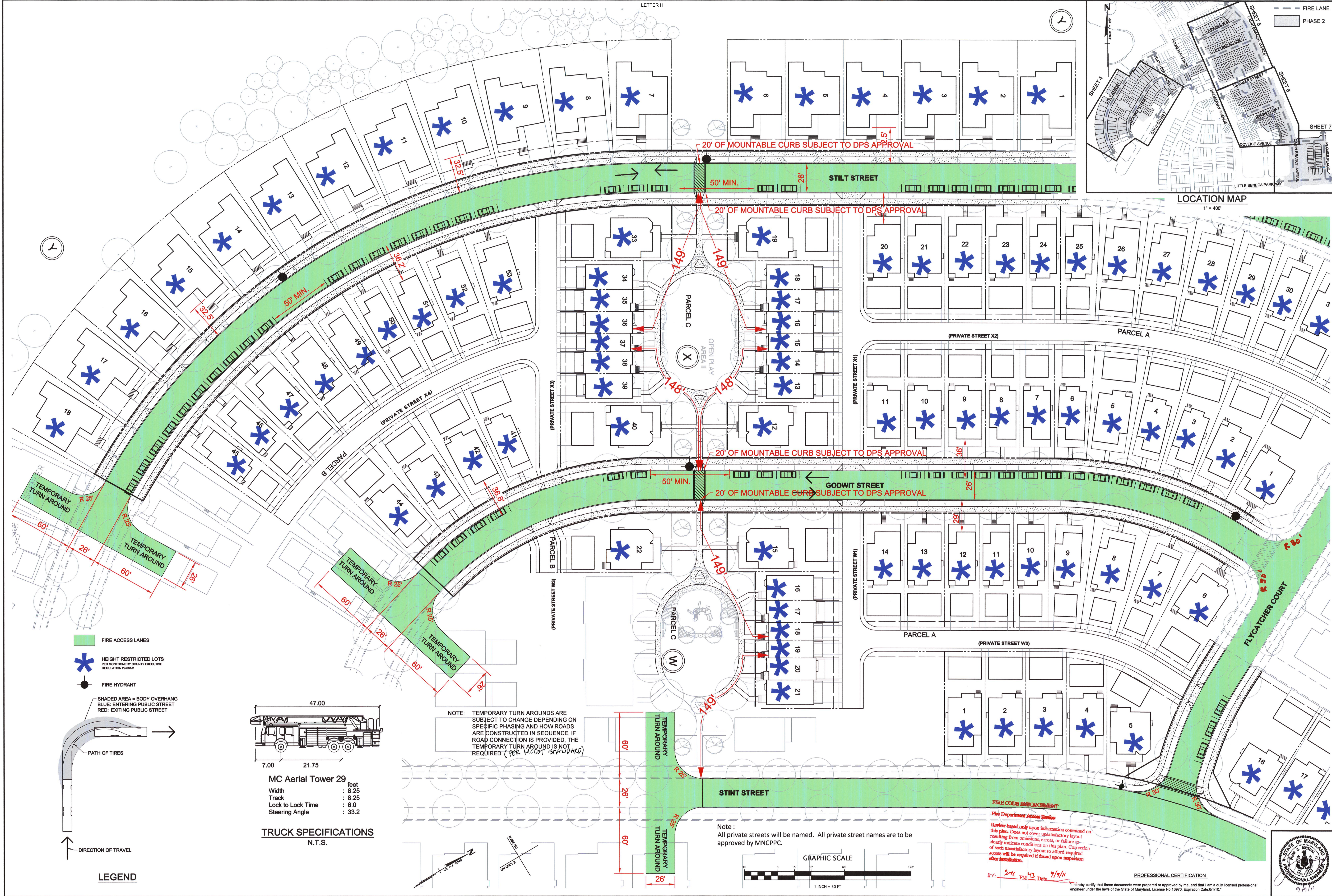
WINCHESTER PHASE 2  
**CABIN BRANCH**  
 ELECTION DISTRICT NO. 2  
 MONTGOMERY COUNTY, MARYLAND

**RODGERS CONSULTING**  
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 19847 Century Boulevard  
 Suite 200  
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 Ph: 301.948.4700 (Main)  
 Ph: 301.253.6609 (Frederick)  
 Fax: 301.948.6256  
 www.rodgers.com

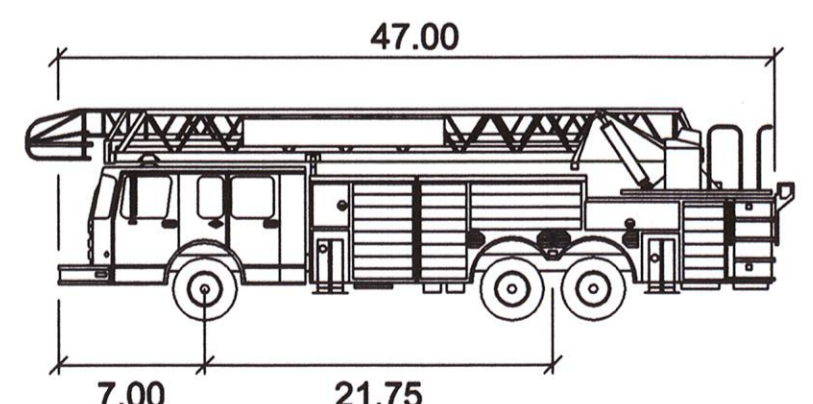
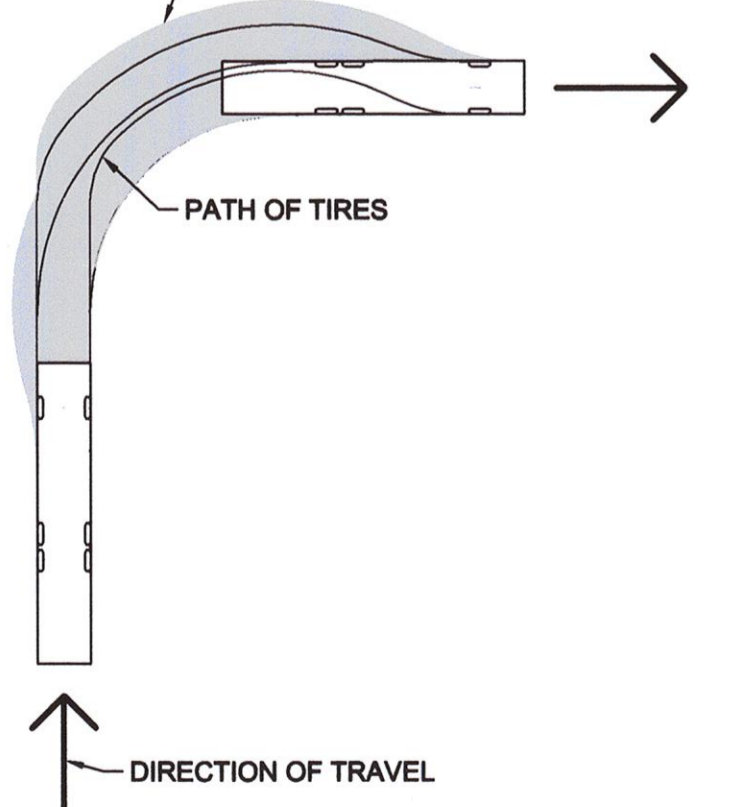
BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR		
BY		DATE

FIRE ACCESS EMERGENCY AND PARKING PLAN  
**PARKING PLAN**

SCALE:	1" = 100'
JOB No:	506W4
DATE:	JUNE, 2011
SHEET No:	3 of 7



- FIRE ACCESS LANES
- HEIGHT RESTRICTED LOTS PER MONTGOMERY COUNTY EXECUTIVE REGULATION 29-06AM
- FIRE HYDRANT
- SHADED AREA = BODY OVERHANG
- BLUE: ENTERING PUBLIC STREET
- RED: EXITING PUBLIC STREET



**MC Aerial Tower 29**  
 feet  
 Width : 47.00  
 Track : 7.00  
 Wheelbase : 21.75  
 Lock to Lock Time : 6.0  
 Steering Angle : 33.2

**TRUCK SPECIFICATIONS**  
 N.T.S.

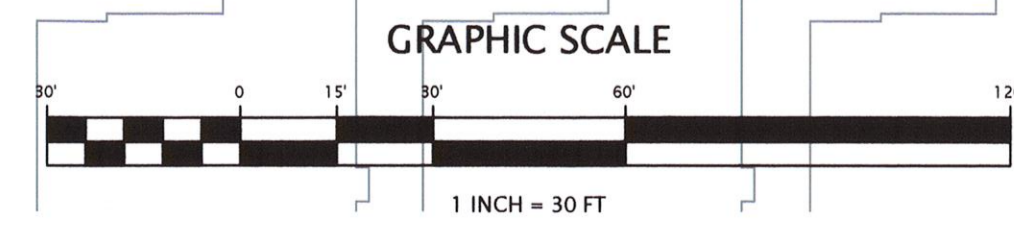
NOTE: TEMPORARY TURN AROUNDS ARE SUBJECT TO CHANGE DEPENDING ON SPECIFIC PHASING AND HOW ROADS ARE CONSTRUCTED IN SEQUENCE. IF ROAD CONNECTION IS PROVIDED, THE TEMPORARY TURN AROUND IS NOT REQUIRED (PER MOUNTAIN STATE).

Note: All private streets will be named. All private street names are to be approved by MNCPPC.

**FIRE CODES ENFORCEMENT**  
 This Department Assumes Review  
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection.

By: *SAC* FM 13 Date: *9/1/11*

PROFESSIONAL CERTIFICATION  
 I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 13870, Expiration Date: 9/1/12.



REVISION	DATE	REVISION	DATE	REVISION	DATE

Owner/Developer:  
**WINCHESTER HOMES, INC.**  
 6905 Rockledge Drive, Suite 800  
 Bethesda, Maryland 20817  
 Phone: (301) 803-4800  
 Fax: (301) 803-4929  
 Contact: Sylke Knuppel

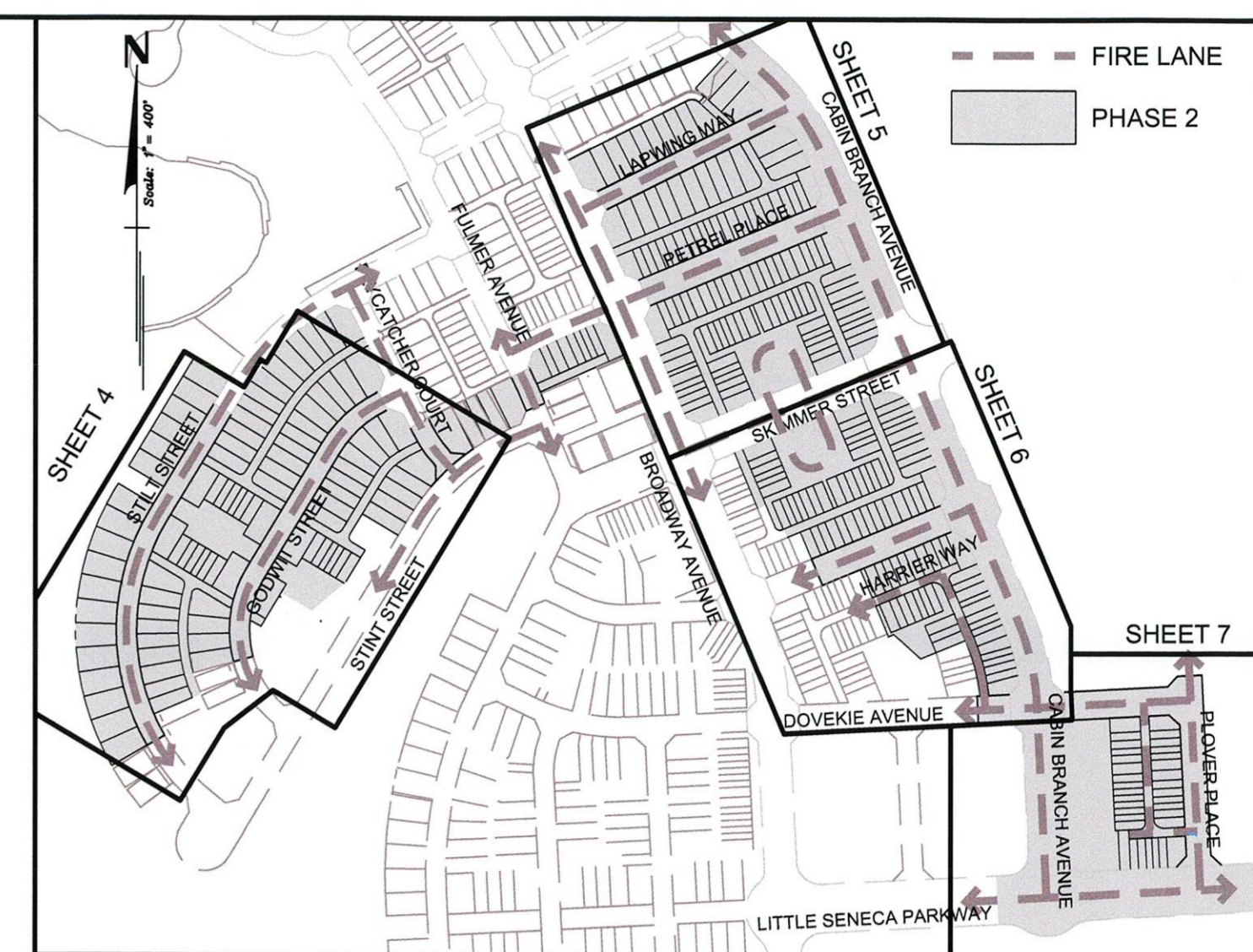
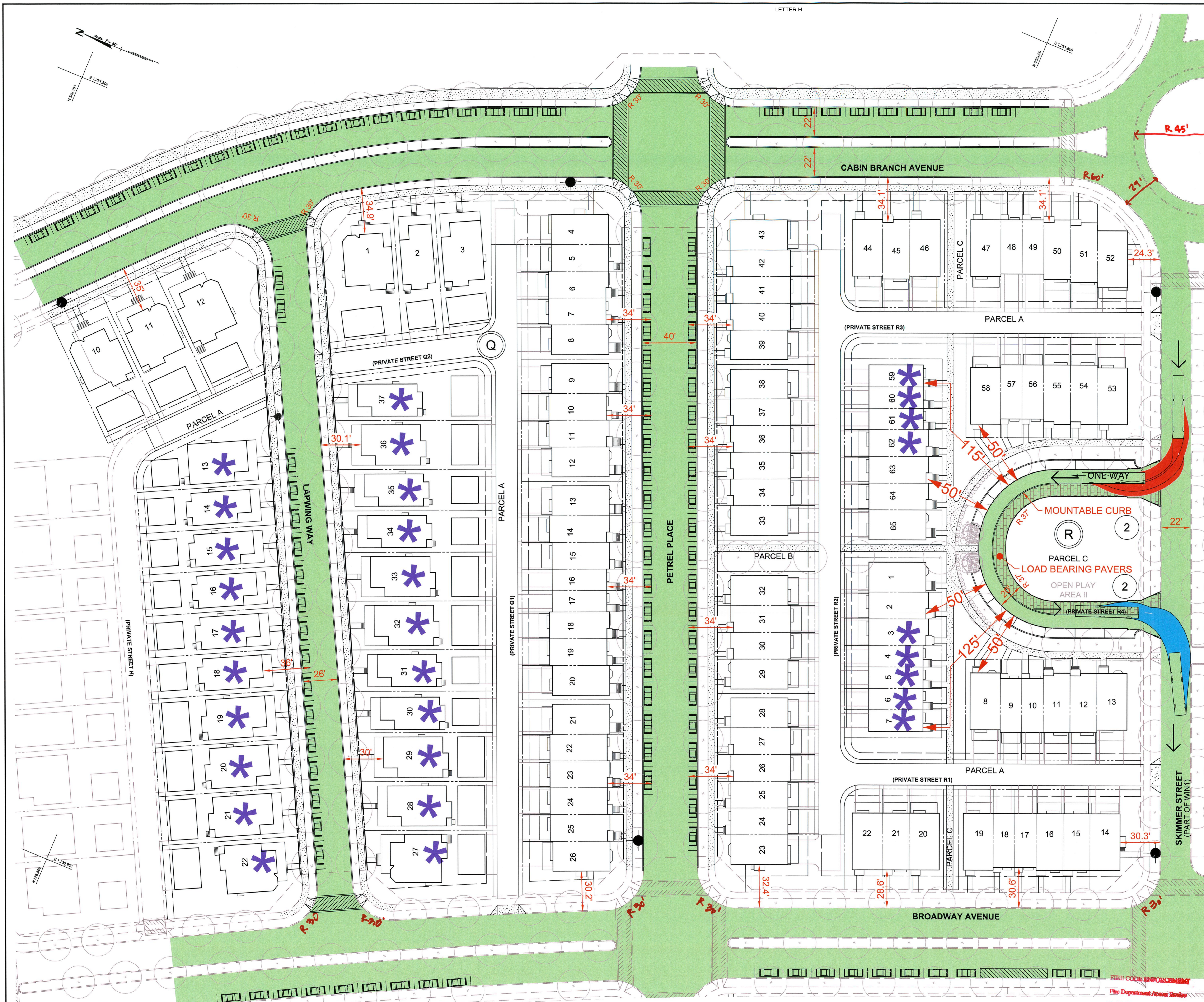
**WINCHESTER PHASE 2  
 CABIN BRANCH**  
 ELECTION DISTRICT NO. 2  
 MONTGOMERY COUNTY, MARYLAND

**RODGERS CONSULTING**  
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 19847 Century Boulevard  
 Suite 200  
 Germantown, Maryland 20874  
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 www.rodgers.com

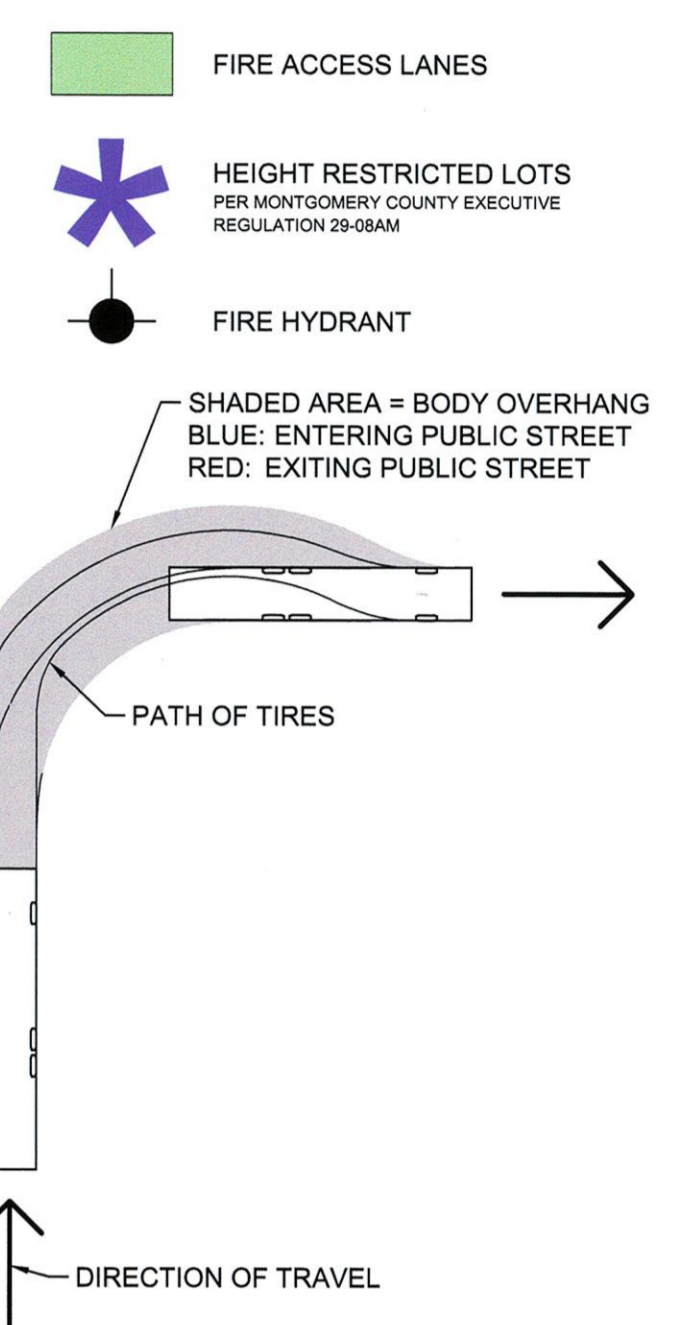
BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR		
BY		DATE

**FIRE ACCESS EMERGENCY & PARKING PLAN  
 VEHICULAR MOVEMENTS PLAN**

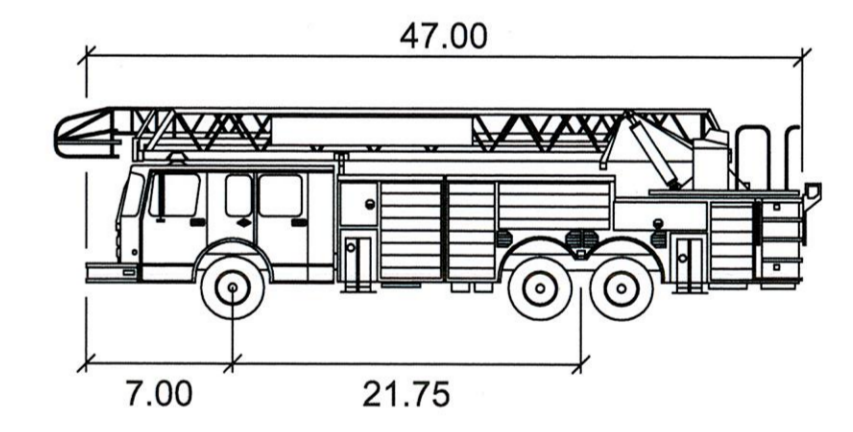
SCALE: 1" = 30'  
 JOB No: 506W4  
 DATE: MAR, 2011  
 SHEET No: 4 of 7



LOCATION MAP  
1" = 400'

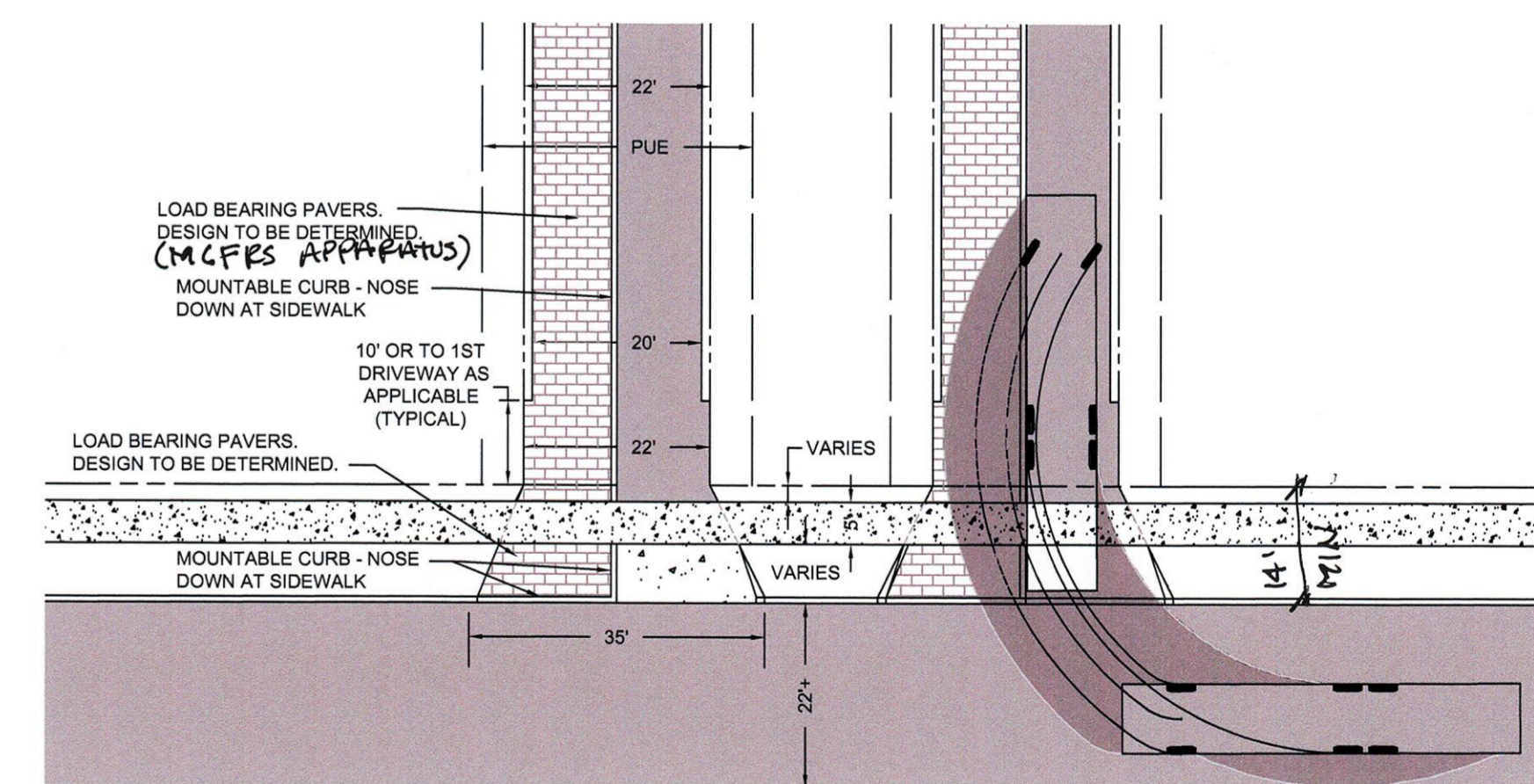


LEGEND



MC Aerial Tower 29  
 Width : 8.25 feet  
 Track : 8.25  
 Lock to Lock Time : 6.0  
 Steering Angle : 33.2

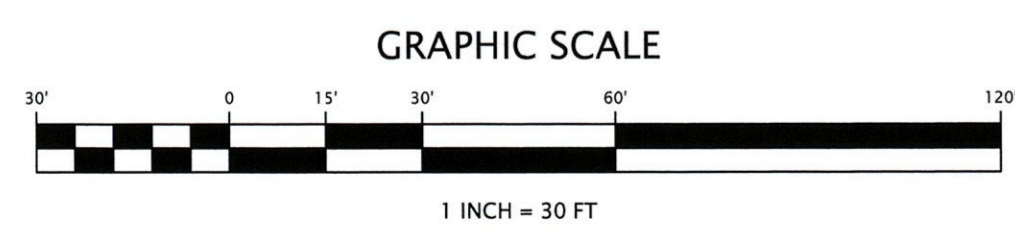
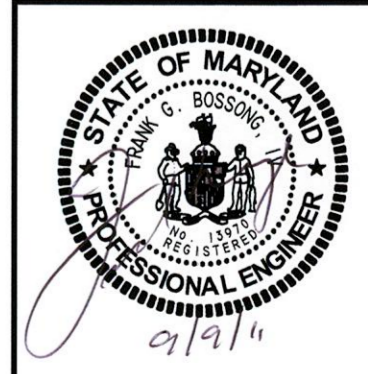
TRUCK SPECIFICATIONS  
N.T.S.



2 MODIFIED APRON SKETCH W/ FIRE TRUCK

PROFESSIONAL CERTIFICATION

"I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 13970, Expiration Date 8/1/10."



Note :  
 All private streets will be named. All private street names are to be approved by MNCPPC.

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

3. Syke FM 413 Date 9/1/10

REVISION	DATE	REVISION	DATE	REVISION	DATE

Owner/Developer:  
 WINCHESTER HOMES, INC.  
 6905 Rockledge Drive, Suite 800  
 Bethesda, Maryland 20817  
 Phone: (301) 803-4800  
 Fax: (301) 803-4929  
 Contact: Sylke Knuppel

WINCHESTER PHASE 2  
**CABIN BRANCH**  
 ELECTION DISTRICT NO. 2  
 MONTGOMERY COUNTY, MARYLAND



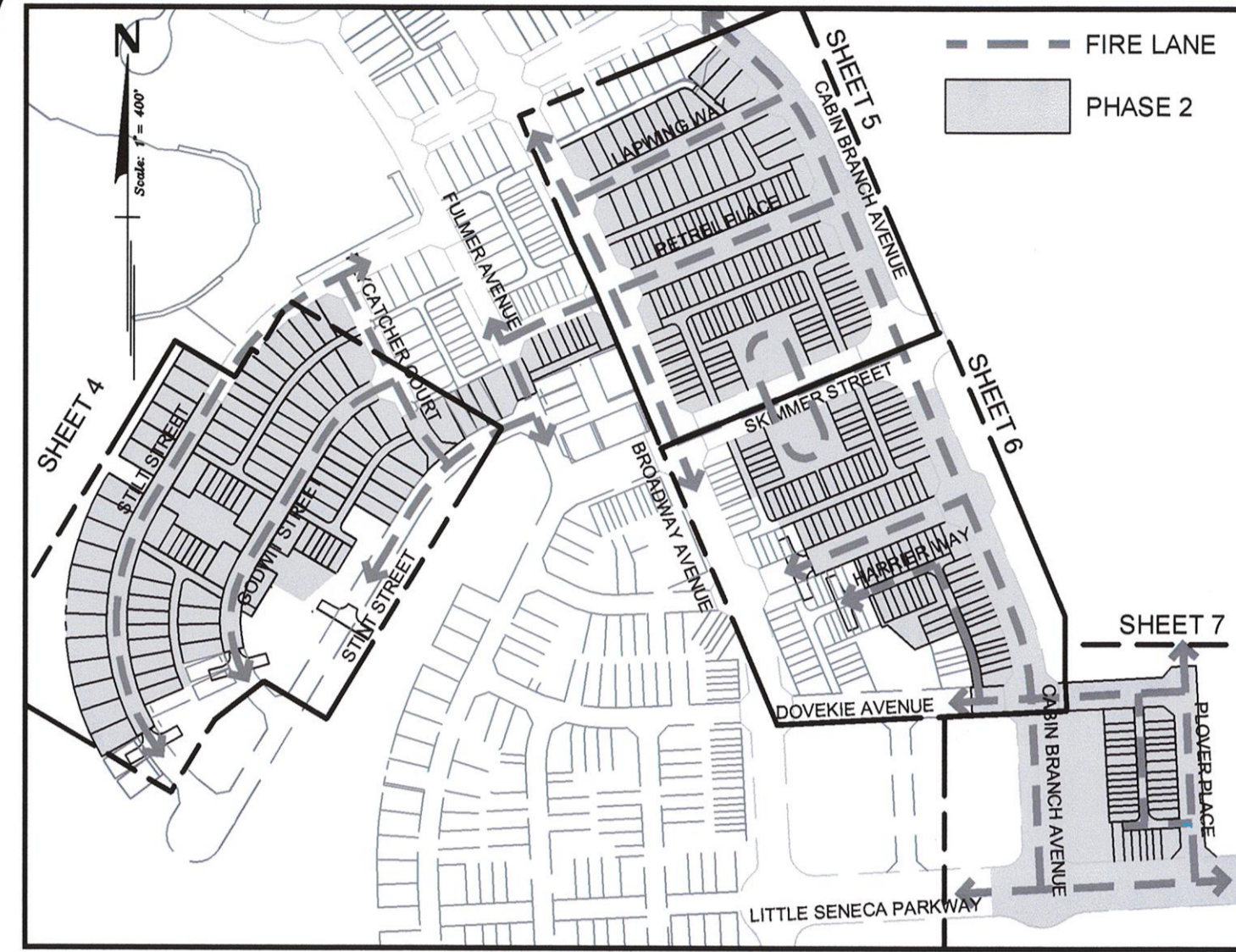
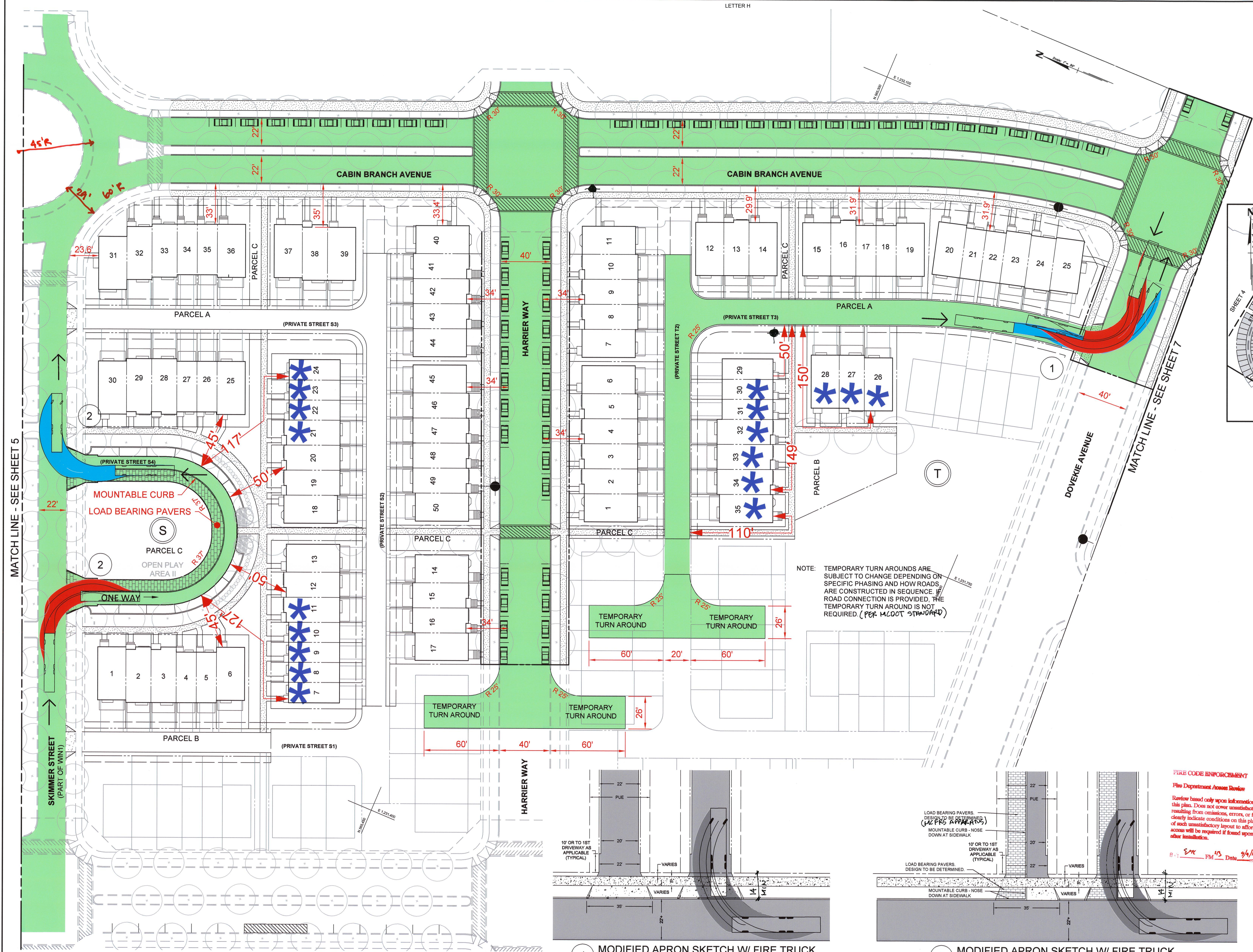
19847 Century Boulevard  
 Suite 200  
 Germantown, Maryland 20874  
 Ph: 301.948.4700 (Main)  
 Ph: 301.253.6609 (Frederick)  
 Fx: 301.948.6256  
 www.rodgers.com

BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR		
BY		DATE

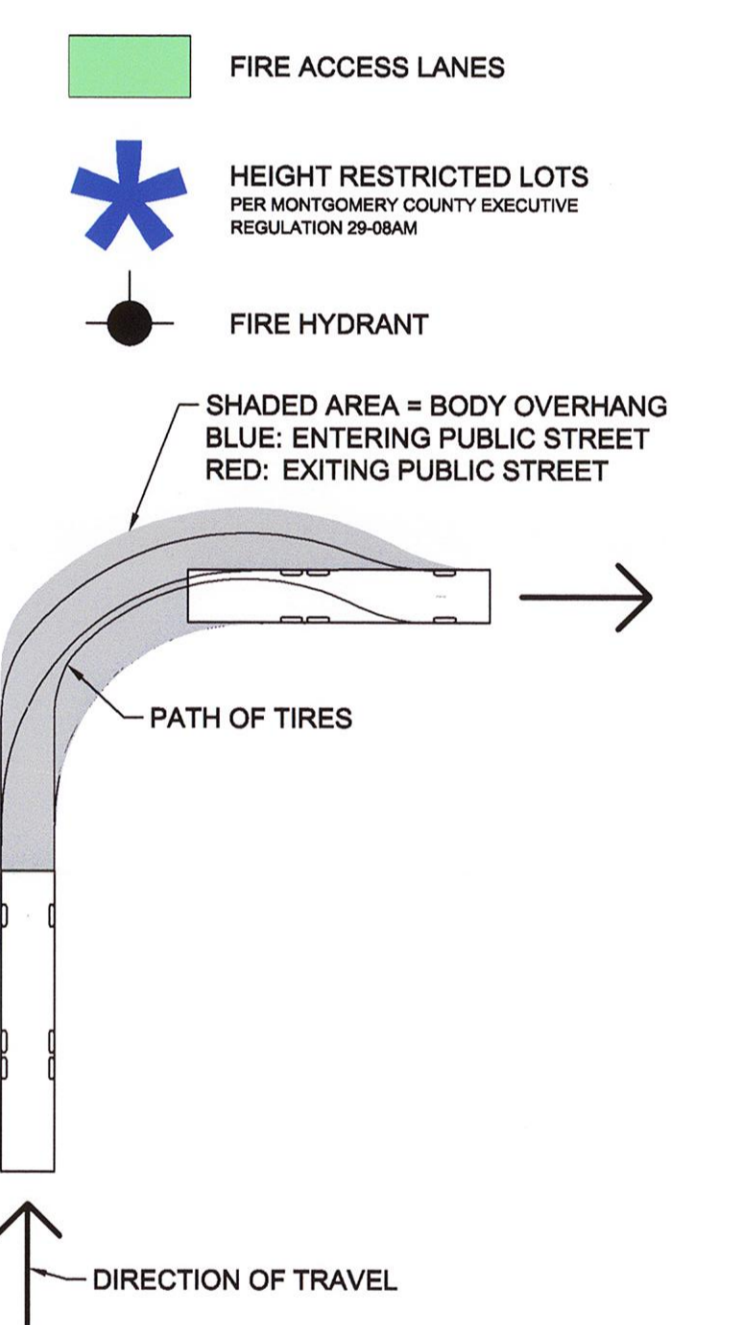
FIRE ACCESS EMERGENCY & PARKING PLAN  
 VEHICULAR MOVEMENTS PLAN

SCALE: 1" = 30'  
 JOB No. 506W4  
 DATE: MAR., 2011  
 SHEET No. 5 OF 7

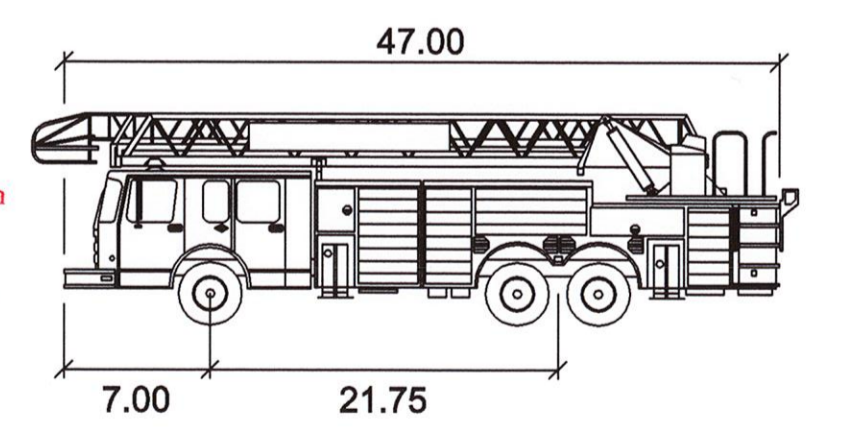
PRELIMINARY NOT FOR CONSTRUCTION



LOCATION MAP  
1" = 400'



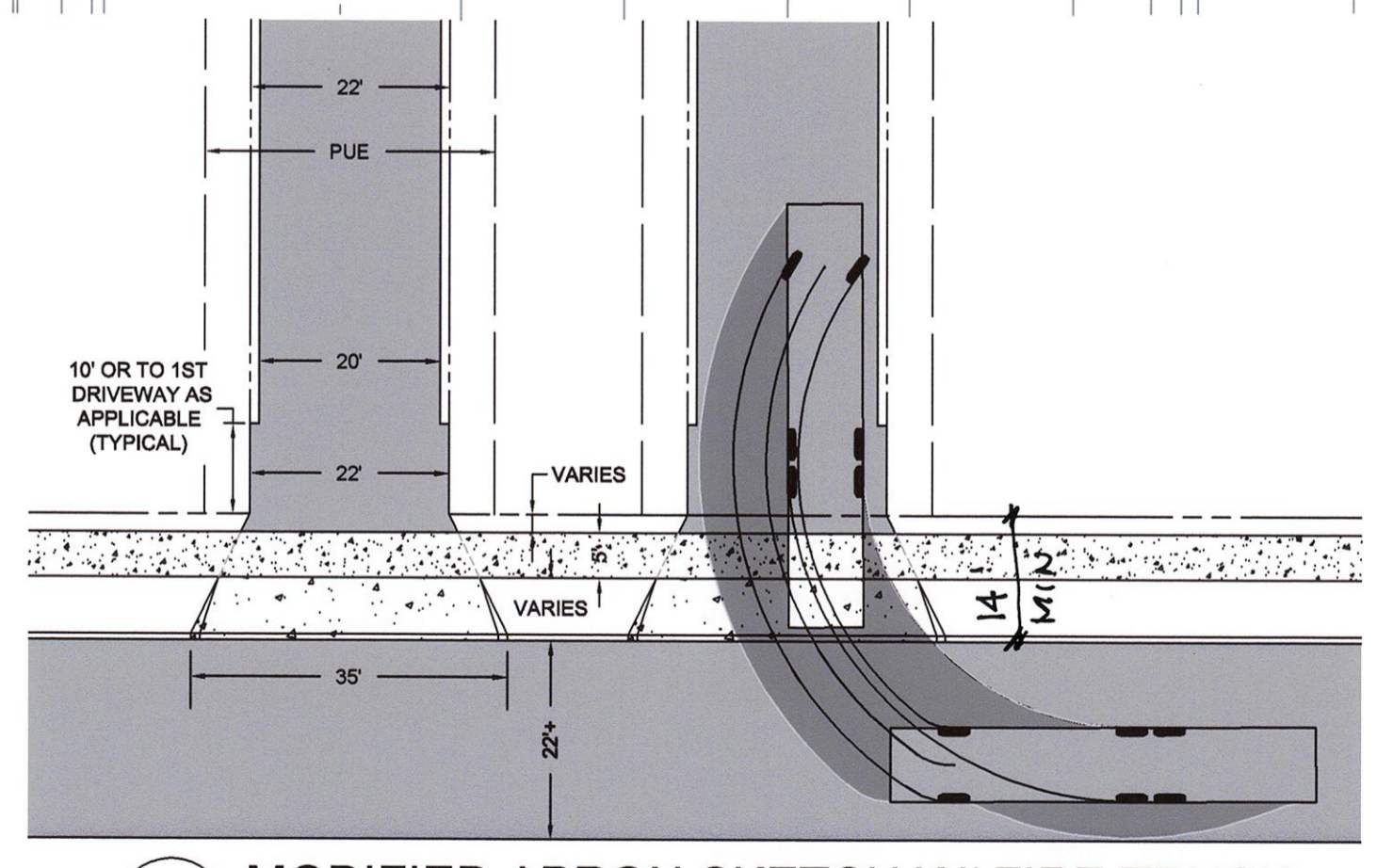
LEGEND



**MC Aerial Tower 29**  
 feet  
 Width : 8.25  
 Track : 8.25  
 Lock to Lock Time : 6.0  
 Steering Angle : 33.2

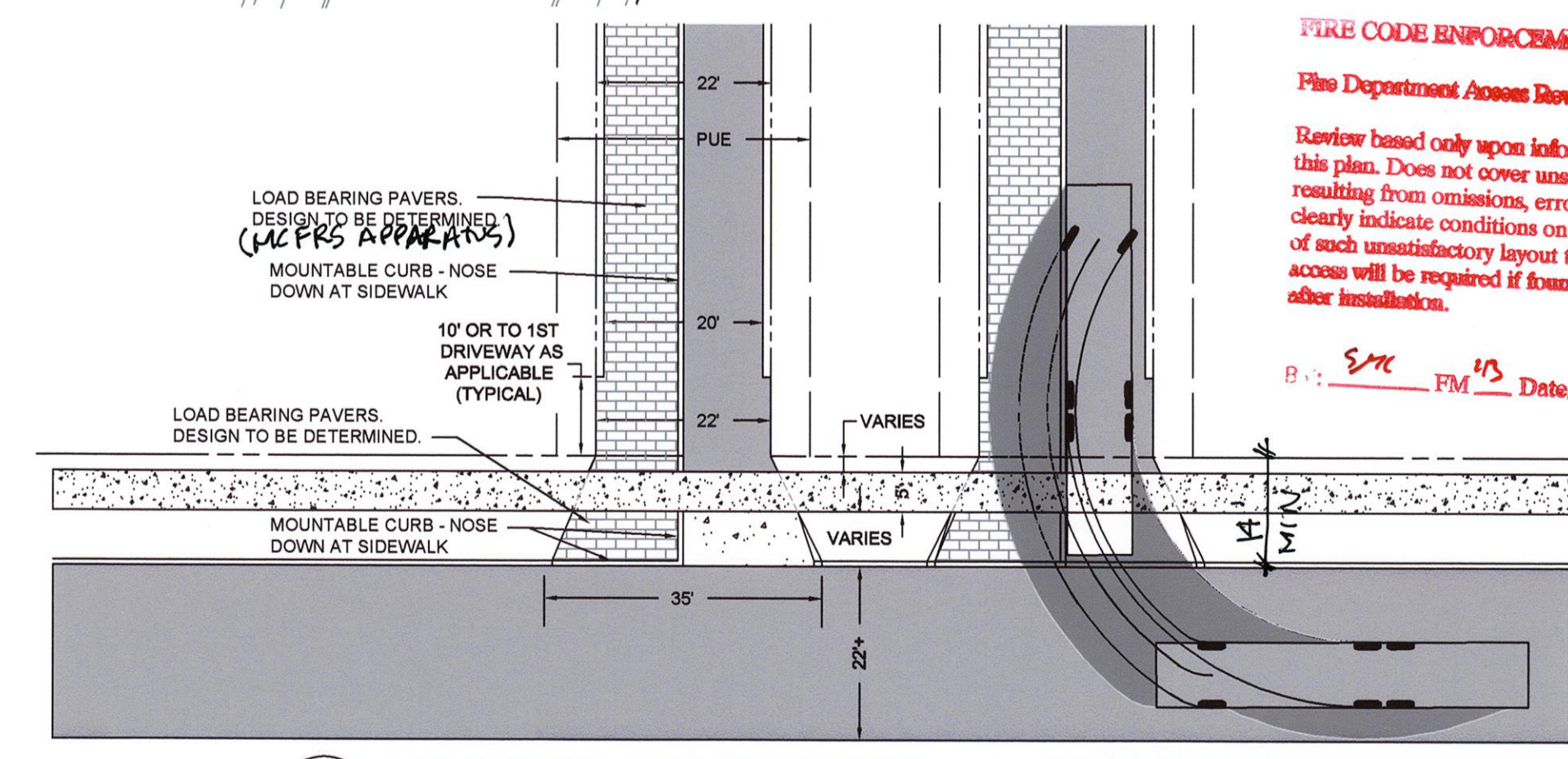
TRUCK SPECIFICATIONS  
N.T.S.

NOTE: TEMPORARY TURN AROUNDS ARE SUBJECT TO CHANGE DEPENDING ON SPECIFIC PHASING AND HOW ROADS ARE CONSTRUCTED IN SEQUENCE. ROAD CONNECTION IS PROVIDED, THE TEMPORARY TURN AROUND IS NOT REQUIRED (PER MCDOT STANDARD)



1 MODIFIED APRON SKETCH W/ FIRE TRUCK

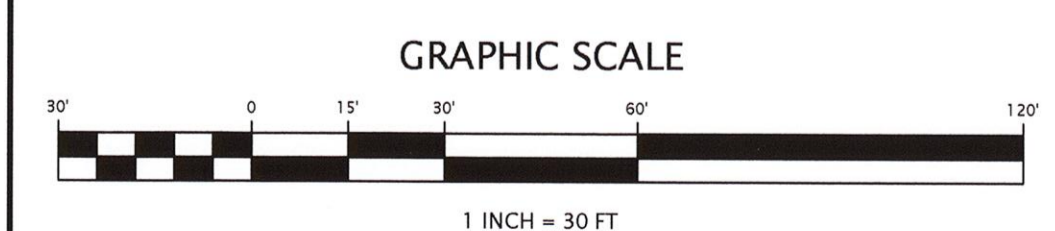
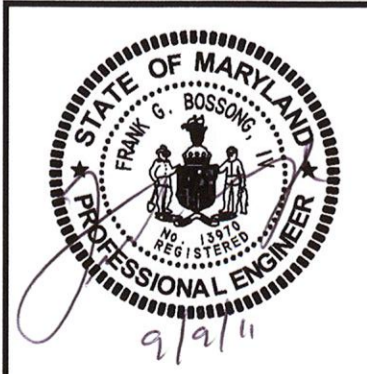
Note:  
All private streets will be named. All private street names are to be approved by MNCPPC.



2 MODIFIED APRON SKETCH W/ FIRE TRUCK

**FIRE CODE ENFORCEMENT**  
 Fire Department Access Review  
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.  
 B: SMC FM 13 Date 3/4/11

PROFESSIONAL CERTIFICATION  
 I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 15070, Expiration Date 01/10/17



REVISION	DATE	REVISION	DATE	REVISION	DATE

Owner/Developer:  
WINCHESTER HOMES, INC.  
 6905 Rockledge Drive, Suite 800  
 Bethesda, Maryland 20817  
 Phone: (301) 803-4800  
 Fax: (301) 803-4929  
 Contact: Sylke Knuppel

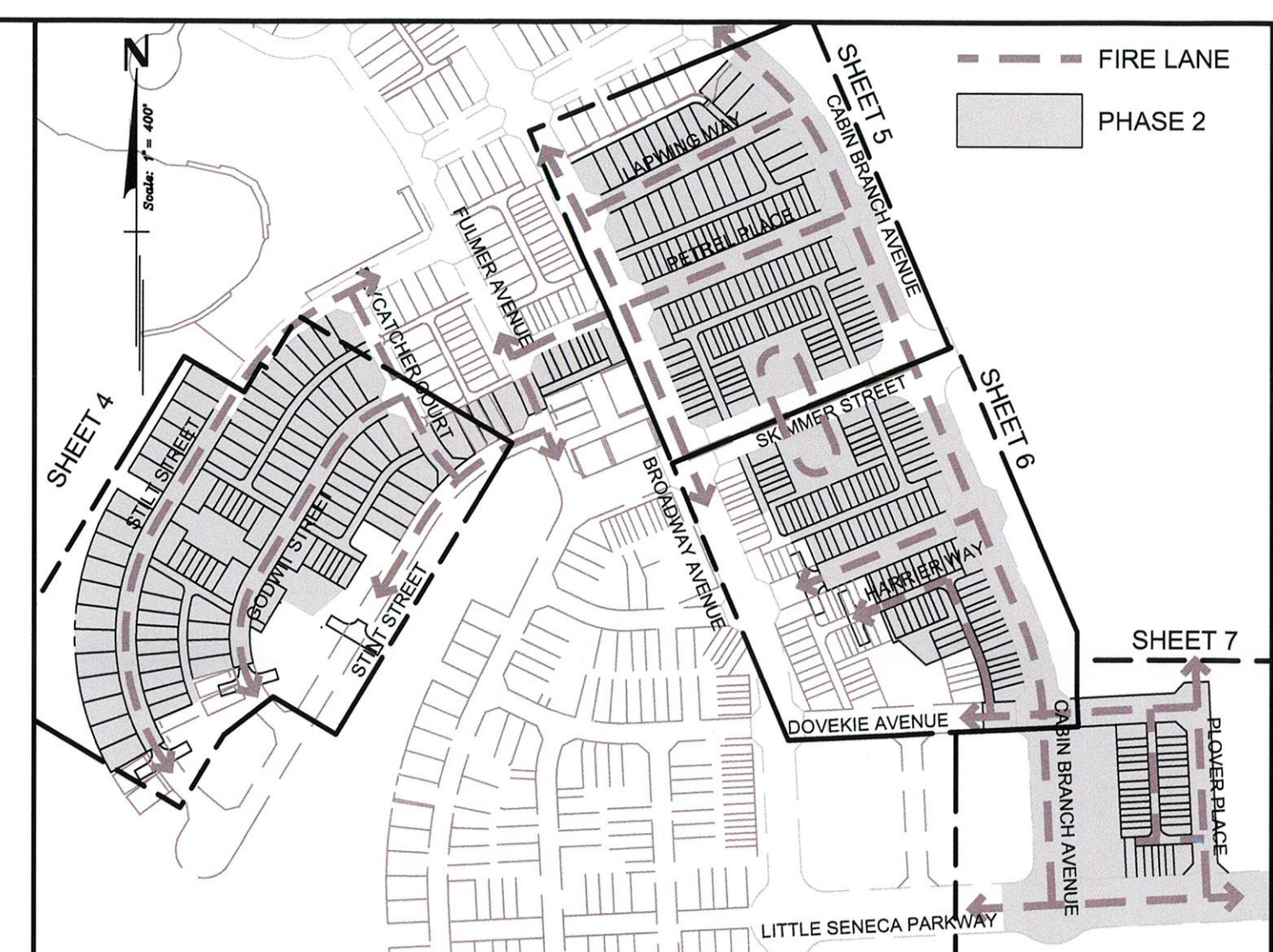
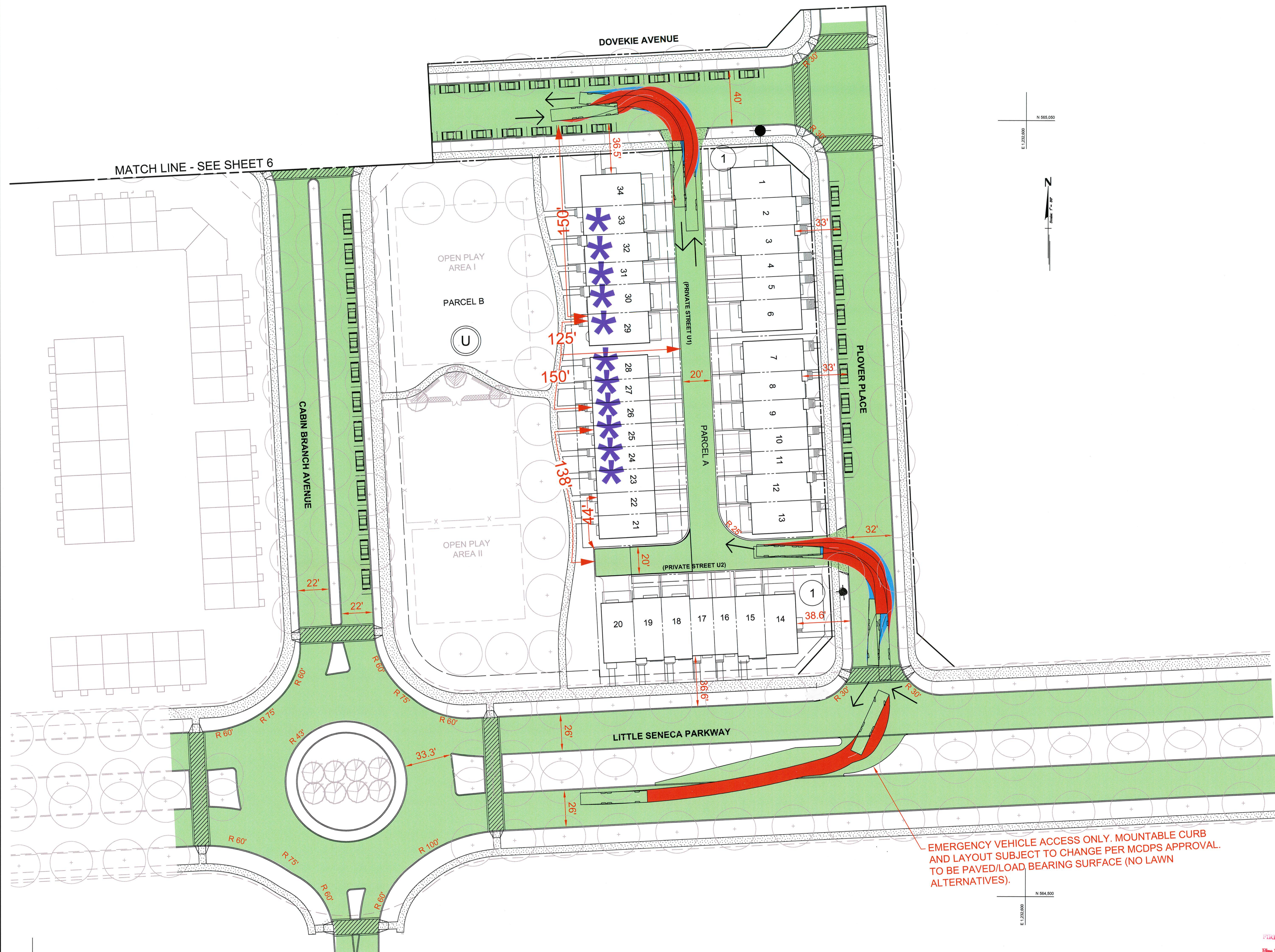
WINCHESTER PHASE 2  
**CABIN BRANCH**  
 ELECTION DISTRICT NO. 2  
 MONTGOMERY COUNTY, MARYLAND

**RODGERS CONSULTING**  
 Knowledge • Creativity • Enduring Values  
 19847 Century Boulevard  
 Suite 205  
 Germantown, Maryland 20874  
 Ph: 301.948.4700 (Main)  
 Ph: 301.253.6609 (Frederick)  
 Fx: 301.948.6256  
 www.rodgers.com

BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR		
BY		DATE

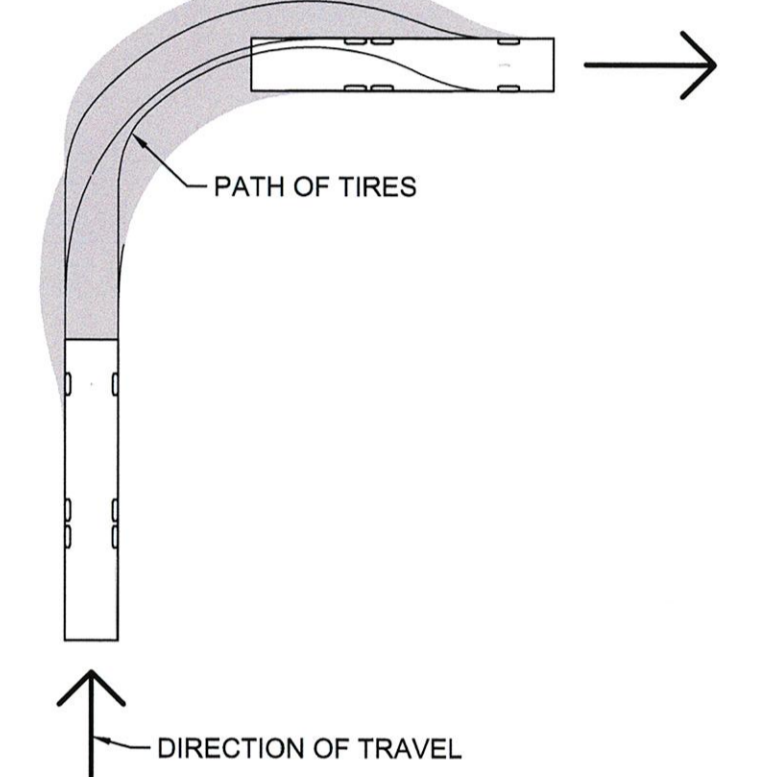
FIRE ACCESS EMERGENCY & PARKING PLAN  
 VEHICULAR MOVEMENTS PLAN

SCALE: 1" = 30'  
 JOB No: 506W4  
 DATE: MAR, 2011  
 SHEET No: 6 of 7

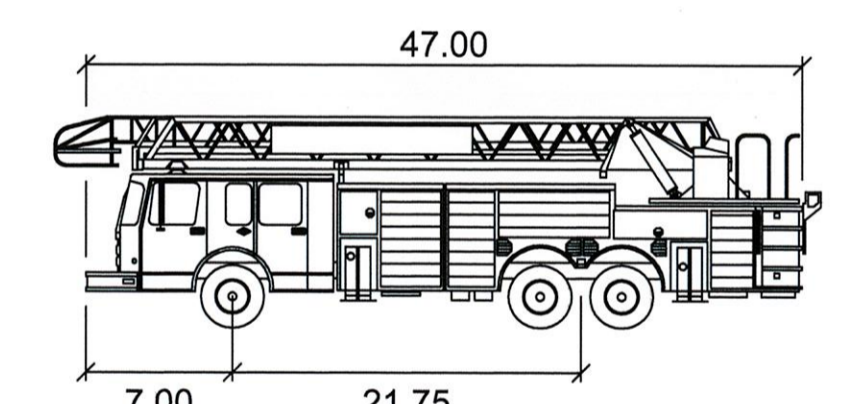


LOCATION MAP  
1" = 400'

- FIRE ACCESS LANES
- HEIGHT RESTRICTED LOTS  
FIR MONTGOMERY COUNTY EXECUTIVE  
REGULATION 28-286M
- FIRE HYDRANT
- SHADED AREA = BODY OVERHANG  
BLUE: ENTERING PUBLIC STREET  
RED: EXITING PUBLIC STREET

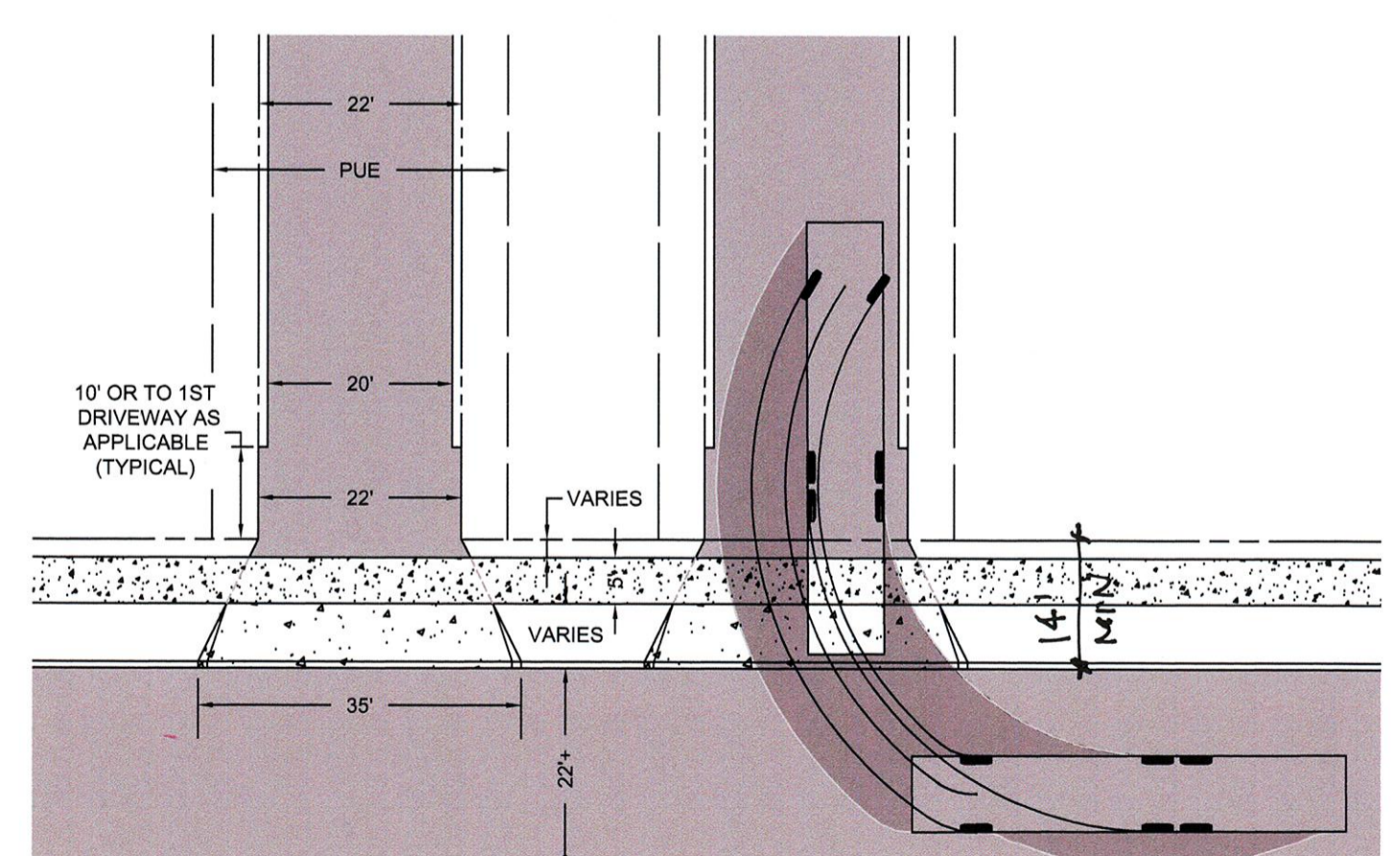


LEGEND



**MC Aerial Tower 29**  
 feet  
 Width : 8.25  
 Track : 8.25  
 Lock to Lock Time : 6.0  
 Steering Angle : 33.2

TRUCK SPECIFICATIONS  
N.T.S.



1 APRON SKETCH W/ FIRE TRUCK

**EMERGENCY VEHICLE ACCESS ONLY. MOUNTABLE CURB AND LAYOUT SUBJECT TO CHANGE PER MCDPS APPROVAL. TO BE PAVED/SUBJECT TO BEING APPROVED FOR PAVED/LOAD BEARING SURFACE (NO LAWN ALTERNATIVES).**

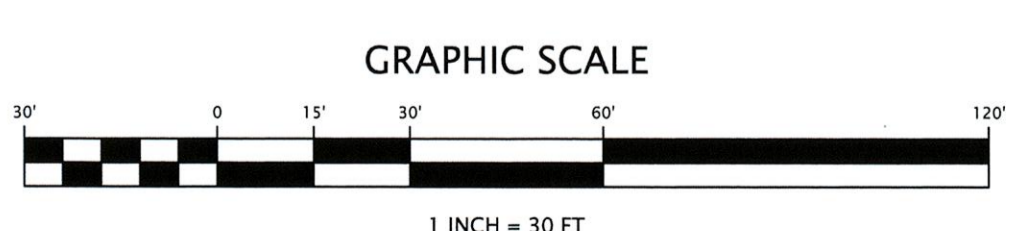
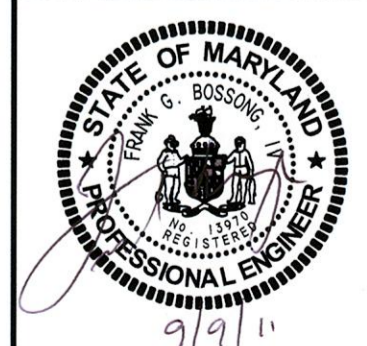
**FIRE CODE ENFORCEMENT**  
 Fire Department Access Allowed  
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

*Sylke Knupp* Date: 3/14/11

Note:  
All private streets will be named. All private street names are to be approved by MNCPPC.

PROFESSIONAL CERTIFICATION

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 13870, Expiration Date: 3/1/12.



REVISION	DATE	REVISION	DATE	REVISION	DATE

Owner/Developer:  
**WINCHESTER HOMES, INC.**  
 6905 Rockledge Drive, Suite 800  
 Bethesda, Maryland 20817  
 Phone: (301) 803-4800  
 Fax: (301) 803-4929  
 Contact: Sylke Knuppel

**WINCHESTER PHASE 2  
 CABIN BRANCH**  
 ELECTION DISTRICT NO. 2  
 MONTGOMERY COUNTY, MARYLAND

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 Fx: 301.948.6256  
 www.rodgers.com

BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR		
BY: _____	DATE: _____	

**FIRE ACCESS EMERGENCY & PARKING PLAN  
 VEHICULAR MOVEMENTS PLAN**

SCALE: 1" = 30'  
 JOB No: 506W4  
 DATE: MAR., 2011  
 SHEET No: 7 of 7

LETTER H



421 East Patrick Street  
Frederick, MD 21705-0488  
(301) 694-4420 FAX: (304) 368-2595  
bwarren@alleghenypower.com

August 31, 2011

KCI Technologies  
936 Ridgebrook Road  
Sparks, MD 21152

Attn: Kevin Adelsberger

**Re: Cabin Branch Winchester 1 Site Plan Amendment No. 82006029A and Winchester 2 Site Plan No. 820110080 Public Utility Easement**

Dear Kevin:

We've completed a review of the Proposed PUE Exhibit (Plan) dated August 26, 2011 for the Cabin Branch site plan applications noted above, located at Clarksburg, MD in the southwest quadrant of the intersection of Interstate 270 and State Route 121 Clarksburg Road. Based on this review, we are reasonably confident that the proposed PUE Layout is adequate and can be utilized to obtain acceptable electrical layout for the subdivision. To accommodate the proposed PUE Exhibit, a services agreement will be required between Potomac Edison and the customer in advance of construction and at the developer's expense in order to deviate from the standard front lot construction per our MD Tariff and construction requirements. Provided this agreement is obtained with the customer, we accept the proposed plan for your submission to the county for approvals.

Potomac Edison will make every reasonable effort to route the electric facilities through the PUE; however, the company reserves the right to locate facilities outside the PUE if necessary to obtain an acceptable design. Potomac Edison will require its own standard easement of 10' to be granted in addition to the (overlapping) the PUE for all electric facilities (5' easement where streetlights only are required). This easement must be kept free and clear of any obstructions such as trees, shrubs, buildings or other permanent structures.

Best regards,

  
Brandon Warrenfeltz  
Distribution Specialist, Engineering Services

Cc: Sylke Knuppel, Winchester Homes  
Cc: Phil Isaja, LSA  
Cc: Gary Unterberg, RCI

LETTER H

CAPITAL DISTRICT AMS UNIT



August 30, 2011

Sylke S. Knuppel, P.E.  
Development Manager  
Winchester Homes, Inc.  
6905 Rockledge Dr. Ste 800  
Bethesda MD 20817

Ms. Knuppel,

Concerning the placement of Centralized Box Unit mail receptacles for Cabin Branch Winchester 1 Site Plan Amendment No. 82006029A and Winchester 2 Site Plan No. 820110080 in Clarksburg, MD:

Both this office and the Postmaster of Clarksburg have reviewed the information you provided and agree that the placement of mail receptacles at the designated locations, as shown on the maps sent in the eMail dated July 15, 2011, is acceptable to the needs of the United States Postal Service to provide timely and efficient delivery to customers in this development.

Please contact me with any additional questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "David C. Simms".

David C. Simms  
Manager, Address Management Systems  
Capital District  
301-754-1702



LETTER H



Network Engineering  
13101 Columbia Pike  
FDC-I, Floor 1  
Silver Spring, MD 2090

KCI Technologies  
936 Ridgebrook Road  
Sparks, MD 21152

Attn: Kevin Adelsberger

August 25, 2011

Re: Cabin Branch Winchester 1 Site Plan Amendment No. 82006029A and Winchester 2 Site Plan No. 820110080 Public Utility Easement

Dear Kevin:

Verizon has reviewed the Proposed PUE Exhibit (Plan) dated August 26, 2011 for the Cabin Branch site plan applications noted above, located at Clarksburg, MD in the southwest quadrant at the intersection of Interstate 270 and State Route 121 Clarksburg Road. Based on this review, we are reasonably confident that the proposed PUE Layout is adequate and can be utilized to obtain acceptable service layout for the subdivision as long as these easements do not conflict with other easements.

This evaluation is based on a PUE Exhibit and utility layout information provided by the project team and our anticipated need for easements. It is not based on final engineering or final design. Additional specific easements may be required as our design progresses. Verizon reserves the right to serve property from any part of the property with developer building conduit and power if required to the designated area.

Based upon our review of the plans and the above limitations, it is our opinion that the current street, layout, and PUE plan for Cabin Branch can be used by Verizon to service Cabin Branch.

Best regards,

A handwritten signature in black ink that reads "Anthony D. Smith".

Anthony D. Smith  
Verizon Engineering  
301 282-2467

Cc: Sylke Knuppel, Winchester Homes  
Cc: Phil Isaja, LSA  
Cc: Gary Unterberg, RCI

LETTER H



6801 Industrial Road  
Springfield, Virginia 22151

KCI Technologies  
936 Ridgebrook Road  
Sparks, MD 21152

Attn: Kevin Adelsberger

August 29, 2011

Re: Cabin Branch Winchester 1 Site Plan Amendment No. 82006029A and Winchester 2 Site Plan No. 820110080 Public Utility Easement

Dear Kevin:

Washington Gas has reviewed of the Proposed PUE Exhibit (Plan) dated August 26, 2011 for the Cabin Branch site plan applications noted above, located at Clarksburg, MD in the southwest quadrant at the intersection of Interstate 270 and State Route 121 Clarksburg Road. Based on this review, we are reasonably confident that the proposed PUE Layout is adequate and can be utilized to obtain acceptable natural gas service for the subdivision. This evaluation is based on a PUE Exhibit and utility layout information provided by the project team and our anticipated need for easements. It is not based on final engineering or final design. Additional specific easements may be required as our design progresses.

Based on the above information and stated limitations, it is our opinion that the current street and lot layout can be served by Washington Gas.

Best regards,

A handwritten signature in cursive script that reads "Anthony Scaramo".

Washington Gas

Cc: Sylke Knuppel, Winchester Homes  
Cc: Phil Isaja, LSA  
Cc: Gary Unterberg, RCI



LETTER H

# Washington Suburban Sanitary Commission

14501 Sweitzer Lane • Laurel, Maryland 20707-5901

COMMISSIONERS  
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GENERAL MANAGER  
Jerry N. Johnson

September 19, 2011

Ms. Marybeth O'Quinn  
Montgomery County Planning Department  
M-NCP&PC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: WSSC Contract No. DA3326Z02  
M-NCP&PC Site Plan #820110080  
Cabin Branch Property, Winchester Phase 2  
Post-Development Review Committee Submission

Dear Ms. O'Quinn:

In regard to the Cabin Branch Winchester Phase 2 Site Plan (#820110080) please be advised that Rodgers Consulting Incorporated (RCI) staff have adequately addressed our initial plan comments issued at the May 5, 2011 Development Review Committee Meeting. The applicant and engineer have indicated that they intend to conform to WSSC's plan design standards and processing requirements during later detailed engineering plan reviews. The following comments, organized by specific locations within the site, represent those previously identified items that must be addressed by RCI prior to the detailed water and sewer design review.

#### **North and South Lawn W&S Concept Layout**

- Steps and stoops WILL NOT be permitted within the WSSC easements. Please make necessary modifications to eliminate all steps and stoops from WSSC easements.
- WSSC is currently considering a modification to our easement language to allow storm drainage systems to share our easements as long as our standard pipeline clearances are maintained. These changes will not include "dry" utility systems. All overlaps / conflicts between proposed dry utilities and proposed WSSC easements (except for allowed crossings) must be eliminated.

## LETTER H

Ms. Marybeth O'Quinn  
Montgomery County Planning Department  
M-NCP&PC  
September 19, 2011  
Page 2

- You may have to develop special details (at the time of design plan review) to implement these conceptual water and sewer alignments. These details may include sleeve designs for retaining wall crossings and special details for “shared-trench” water service connection installations.

### **Dovekie Green W&S Concept Layout**

- Steps and stoops are NOT permitted within the WSSC easements. Please make necessary modifications to eliminate all steps and stoops from WSSC easements.
- WSSC is currently considering a modification to our easement language to allow storm drainage systems to share our easements as long as our standard pipeline clearances are maintained. These changes will not include “dry” utility systems. All overlaps / conflicts between proposed dry utilities and proposed WSSC easements (except for allowed crossings) must be eliminated.
- You may have to develop special details (at the time of design plan review) to implement these conceptual water and sewer alignments. These may include special details for “shared-trench” water service connection installations.

### **The Commons W&S Concept Layout**

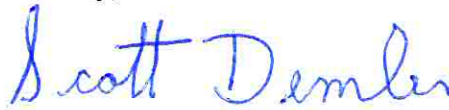
- The fire hydrant located along Stilt Street is in conflict with proposed storm drains. Consider relocation of the hydrant across the street and in line with the Lot 33 property line. The fire hydrant lead will have to cross the sewer in this case.
- WSSC is currently considering a modification to our easement language to allow storm drainage systems to share our easements as long as our standard pipeline clearances are maintained. These changes will not include “dry” utility systems. All overlaps / conflicts between proposed dry utilities and proposed WSSC easements (except for allowed crossings) must be eliminated.
- Within private roadways and open space parcels, WSSC’s maintenance responsibilities for service connections will terminate at the limits of the WSSC easement. Supplemental “private” service connection easements will have to be developed for all lots bordering Parcel ‘C’ (the central green).

LETTER H

Ms. Marybeth O'Quinn  
Montgomery County Planning Department  
M-NCP&PC  
September 19, 2011  
Page 3

The comments above are not intended to reflect an "approval" of the conceptual water and sewer layout. A detailed evaluation by various WSSC expert resources will occur upon submission of the water and sewer design plans and profiles. If you have any immediate questions, please do not hesitate to contact me at (301) 206-8749.

Sincerely,



Scott Demler  
Development Project Manager  
Development Services Group

cc: Rodgers Consulting, Inc. – Mr. Gary Unterberg

LETTER I

**From:** [Wilson, MaryPat](#)  
**To:** ["Chanda Beaufort, RLA";](#)  
**cc:** [Oquinn, Marybeth; sylke.knuppel@whihomes.com;](#)  
[Phil Isaja;](#)  
**Subject:** RE: Cabin Branch School Site  
**Date:** Thursday, September 15, 2011 12:30:26 PM

---

Chandra,

As long as there were no changes to the school plan, including no changes to street grades or acreage, the grading of the adjacent park or on-site grading, the plan is acceptable to us.

Mary Pat Wilson  
Real Estate Management Specialist  
Dept. of Facilities Management  
Montgomery County Public Schools  
(O) 240-314-1071

---

**From:** Chanda Beaufort, RLA [mailto:[cbeaufort@lsassociates.net](mailto:cbeaufort@lsassociates.net)]  
**Sent:** Tuesday, September 13, 2011 3:26 PM  
**To:** Wilson, MaryPat  
**Cc:** Oquinn, Marybeth; [sylke.knuppel@whihomes.com](mailto:sylke.knuppel@whihomes.com); Phil Isaja  
**Subject:** RE: Cabin Branch School Site

MaryPat,

As illustrated in our previous correspondence in May and attached to this e-mail, no changes to the street grades, park or school grading have taken place with the amendment to the WIN 1 site plan. Please reply to all on this email to provide written documentation that MCPS accepts the WIN 1 amendment, acknowledging that no changes have occurred to the street grades, park or school grading.

Thanks very much,

**Chanda S. Beaufort, RLA**  
**Assistant Project Manager**

LETTER I

Loiederman Soltesz Associates, Inc.

Engineering | Planning | Surveying | Environmental Sciences  
2 Research Place, Suite 100 | Rockville, MD 20850  
office: 301.948.2750 | fax: 301.948.9067  
[www.LSAssociates.net](http://www.LSAssociates.net)

Follow us on [Twitter](#), [Facebook](#), and [LinkedIn](#)!

Loiederman Soltesz Associates, Inc.

This email and any attachments are intended solely for the use by the individual or entity to whom it is addressed and may contain information that is privileged and confidential. The sender cannot guarantee this message to be secure or error free and does not accept any liability for the contents of this message or attachments which arise as a result of this email communication as it could be intercepted, manipulated, arrive late or incomplete, or contain viruses. If this communication was received in error, please send a "reply" message to the sender and delete it from your system.

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**From:** Knuppel, Sylke (Winchester Homes, Inc.) [mailto:sylke.knuppel@whihomes.com]

**Sent:** Thursday, September 08, 2011 2:56 PM

**To:** Chanda Beaufort, RLA

**Cc:** Phil Isaja; Sarah Nunes

**Subject:** FW: Cabin Branch School Site

Chanda,

Am I correct in responding to Mary Pat that there are no changes to the school and items she lists directly below?

Sylke

---

**From:** Wilson, MaryPat [mailto:MaryPat\_Wilson@mcpsmd.org]

**Sent:** Thursday, September 08, 2011 2:37 PM

**To:** Knuppel, Sylke (Winchester Homes, Inc.)

**Subject:** RE: Cabin Branch School Site

Sylke,

I tried to reach her by phone, but ended up leaving her a voicemail message that as long as there were no changes to the school plan, including no changes to street grades, grading of the adjacent park or on-site grading, that the plan is acceptable to us.

Let me know if you have any questions.

LETTER I

Mary Pat Wilson  
Real Estate Management Specialist  
Dept. of Facilities Management  
Montgomery County Public Schools  
(O) 240-314-1071

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**From:** Knuppel, Sylke (Winchester Homes, Inc.) [mailto:sylke.knuppel@whihomes.com]  
**Sent:** Thursday, September 08, 2011 1:52 PM  
**To:** Wilson, MaryPat  
**Cc:** (marybeth.oquinn@mncppc-mc.org)  
**Subject:** RE: Cabin Branch School Site

Hi Mary Pat,

Just wanted to check-in and see if you've spoken with Marybeth.

I need to tie-off with you and receive your written confirmation that the Winchester 1 Site Plan Amendment is acceptable to MCPS. LSA had provided an exhibit to you that demonstrated no changes had occurred to the school site. Is there anything else you need to provide your sign-off?

If so, please let me know. Thank you.

Sylke

---

**From:** Knuppel, Sylke (Winchester Homes, Inc.)  
**Sent:** Friday, August 12, 2011 2:02 PM  
**To:** 'Wilson, MaryPat'  
**Cc:** (marybeth.oquinn@mncppc-mc.org)  
**Subject:** Cabin Branch School Site

Mary Pat,

As we just discussed, at a recent meeting regarding the Winchester 1 Site Plan Amendment, Marybeth had requested confirmation that MCPS had no objections to the Amendment. LSA had confirmed for you that there were no impacts to the approved school site with the Amendment.

I'd appreciate it if you can confirm for Marybeth that the Win 1 plan is acceptable to MCPS, with the existing approval conditions from the original site plan approval.



LETTER I

Thank you.

Sylke

Sylke Knuppel  
Development Manager  
Winchester Homes Inc.  
301-803-4855  
443-506-8957  
FAX 301-803-4929  
[sylke.knuppel@whihomes.com](mailto:sylke.knuppel@whihomes.com)

LETTER J



6801 Industrial Road  
Springfield, Virginia 22151

KCI Technologies  
936 Ridgebrook Road  
Sparks, MD 21152

Attn: Kevin Adelsberger

August 29, 2011

Re: Cabin Branch Winchester 1 Site Plan Amendment No. 82006029A and Winchester 2 Site Plan No. 820110080 Public Utility Easement

Dear Kevin:

Washington Gas has reviewed of the Proposed PUE Exhibit (Plan) dated August 26, 2011 for the Cabin Branch site plan applications noted above, located at Clarksburg, MD in the southwest quadrant at the intersection of Interstate 270 and State Route 121 Clarksburg Road. Based on this review, we are reasonably confident that the proposed PUE Layout is adequate and can be utilized to obtain acceptable natural gas service for the subdivision. This evaluation is based on a PUE Exhibit and utility layout information provided by the project team and our anticipated need for easements. It is not based on final engineering or final design. Additional specific easements may be required as our design progresses.

Based on the above information and stated limitations, it is our opinion that the current street and lot layout can be served by Washington Gas.

Best regards,

A handwritten signature in cursive script that reads "Anthony Scaramo".

Washington Gas

Cc: Sylke Knuppel, Winchester Homes  
Cc: Phil Isaja, LSA  
Cc: Gary Unterberg, RCI



# Washington Suburban Sanitary Commission

14501 Sweitzer Lane • Laurel, Maryland 20707-5901

COMMISSIONERS  
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Gene W. Counihan  
Melanie Hartwig-Davis  
Antonio L. Jones  
Hon. Adrienne A. Mandel

GENERAL MANAGER  
Jerry N. Johnson

September 27, 2011

Ms. Marybeth O'Quinn  
Montgomery County Planning Department  
M-NCP&PC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: WSSC Contract No. DA3326Z02 – M-NCPPC Site Plan No. 82006029A  
Cabin Branch Property, Winchester Phase 1  
Post-Development Review Committee Submission

Dear Ms. O'Quinn:

In regard to the Cabin Branch Winchester Phase 1 Site Plan (#82006029A) please be advised that Loiederman Soltesz Associates, Inc. (LSA) staff have adequately addressed our initial plan comments issued at the June 13, 2011 Development Review Committee Meeting. The applicant and engineer have indicated that they intend to conform to WSSC's plan design standards and processing requirements during later detailed engineering plan reviews. The following comments represent those previously identified items that must be addressed by LSA prior to the detailed water and sewer design review.

- Steps and stoops WILL NOT be permitted within the WSSC easements. Please make necessary modifications to eliminate all steps and stoops from WSSC easements.
- WSSC is currently considering a modification to our easement language to allow storm drainage systems to share our easements as long as our standard pipeline clearances are maintained. These changes will not include "dry" utility systems. All overlaps / conflicts between proposed dry utilities and proposed WSSC easements (except for allowed crossings) must be eliminated. There are areas of the Site Plan that depict storm drainage systems with insufficient clearance from WSSC pipelines.

LETTER K

Ms. Marybeth O'Quinn  
Montgomery County Planning Department  
M-NCP&PC

RE: WSSC Contract No. DA3326Z02 - M-NCP&PC Site Plan No. 82006029A

September 27, 2011

Page 2

- You may have to develop special details (at the time of design plan review) to implement these conceptual water and sewer alignments. These details may include sleeve designs for retaining wall crossings and special details for “shared-trench” water service connection installations.
- Within private roadways and open space parcels, WSSC’s maintenance responsibilities for service connections will typically terminate at the limits of the WSSC easement. Where this occurs, supplemental “private” service connection easements may be required.

The comments above are not intended to reflect a formal “approval” of the conceptual water and sewer layout. LSA must make numerous adjustments prior to submission of detailed design plans. A thorough evaluation by various WSSC expert resources will occur upon submission of the water and sewer design plans and profiles. If you have any immediate questions, please do not hesitate to contact me at 301-206-8749.

Sincerely,



Scott Demler  
Development Project Manager  
Development Services Group

cc: Cabin Branch Management, LLC c/o Winchester Homes – Ms. Sylke Knuppel  
Loiederman Soltesz Associates, Inc. – Mr. Phil Isaja

LETTER L



Network Engineering  
13101 Columbia Pike  
FDC-I, Floor 1  
Silver Spring, MD 2090

KCI Technologies  
936 Ridgebrook Road  
Sparks, MD 21152

Attn: Kevin Adelsberger

August 25, 2011

Re: Cabin Branch Winchester 1 Site Plan Amendment No. 82006029A and Winchester 2 Site Plan No. 820110080 Public Utility Easement

Dear Kevin:

Verizon has reviewed the Proposed PUE Exhibit (Plan) dated August 26, 2011 for the Cabin Branch site plan applications noted above, located at Clarksburg, MD in the southwest quadrant at the intersection of Interstate 270 and State Route 121 Clarksburg Road. Based on this review, we are reasonably confident that the proposed PUE Layout is adequate and can be utilized to obtain acceptable service layout for the subdivision as long as these easements do not conflict with other easements.

This evaluation is based on a PUE Exhibit and utility layout information provided by the project team and our anticipated need for easements. It is not based on final engineering or final design. Additional specific easements may be required as our design progresses. Verizon reserves the right to serve property from any part of the property with developer building conduit and power if required to the designated area.

Based upon our review of the plans and the above limitations, it is our opinion that the current street, layout, and PUE plan for Cabin Branch can be used by Verizon to service Cabin Branch.

Best regards,

A handwritten signature in black ink that reads "Anthony D. Smith".

Anthony D. Smith  
Verizon Engineering  
301 282-2467

Cc: Sylke Knuppel, Winchester Homes  
Cc: Phil Isaja, LSA  
Cc: Gary Unterberg, RCI

LETTER M



421 East Patrick Street  
Frederick, MD 21705-0488  
(301) 694-4420 FAX: (304) 368-2595  
bwarren@alleghenypower.com

August 31, 2011

KCI Technologies  
936 Ridgebrook Road  
Sparks, MD 21152

Attn: Kevin Adelsberger

**Re: Cabin Branch Winchester 1 Site Plan Amendment No. 82006029A and Winchester 2 Site Plan No. 820110080 Public Utility Easement**

Dear Kevin:

We've completed a review of the Proposed PUE Exhibit (Plan) dated August 26, 2011 for the Cabin Branch site plan applications noted above, located at Clarksburg, MD in the southwest quadrant of the intersection of Interstate 270 and State Route 121 Clarksburg Road. Based on this review, we are reasonably confident that the proposed PUE Layout is adequate and can be utilized to obtain acceptable electrical layout for the subdivision. To accommodate the proposed PUE Exhibit, a services agreement will be required between Potomac Edison and the customer in advance of construction and at the developer's expense in order to deviate from the standard front lot construction per our MD Tariff and construction requirements. Provided this agreement is obtained with the customer, we accept the proposed plan for your submission to the county for approvals.

Potomac Edison will make every reasonable effort to route the electric facilities through the PUE; however, the company reserves the right to locate facilities outside the PUE if necessary to obtain an acceptable design. Potomac Edison will require its own standard easement of 10' to be granted in addition to the (overlapping) the PUE for all electric facilities (5' easement where streetlights only are required). This easement must be kept free and clear of any obstructions such as trees, shrubs, buildings or other permanent structures.

Best regards,

  
Brandon Warrenfeltz  
Distribution Specialist, Engineering Services

Cc: Sylke Knuppel, Winchester Homes  
Cc: Phil Isaja, LSA  
Cc: Gary Unterberg, RCI

LETTER N

CAPITAL DISTRICT AMS UNIT



August 30, 2011

Sylke S. Knuppel, P.E.  
Development Manager  
Winchester Homes, Inc.  
6905 Rockledge Dr. Ste 800  
Bethesda MD 20817

Ms. Knuppel,

Concerning the placement of Centralized Box Unit mail receptacles for Cabin Branch Winchester 1 Site Plan Amendment No. 82006029A and Winchester 2 Site Plan No. 820110080 in Clarksburg, MD:

Both this office and the Postmaster of Clarksburg have reviewed the information you provided and agree that the placement of mail receptacles at the designated locations, as shown on the maps sent in the eMail dated July 15, 2011, is acceptable to the needs of the United States Postal Service to provide timely and efficient delivery to customers in this development.

Please contact me with any additional questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "David C. Simms".

David C. Simms  
Manager, Address Management Systems  
Capital District  
301-754-1702

KTGY Group, Inc.  
Architecture+Planning  
8605 Westwood Ctr. Dr., Ste. 300  
Vienna, VA 22182

703-992-6116  
703-992-6428 fax  
ktgy.com

LETTER O



September 26, 2011

Ms. Sylke Knuppel  
Development Manager  
Winchester Homes  
6905 Rockledge Drive, Suite 800  
Bethesda, MD 20817

Dear Sylke,

As required under the provisions of the Cabin Branch "Design Guidelines for Site Plan Review" document, we have reviewed the submitted Site Plans dated September 20, 2011 for Cabin Branch, Section Win 1. The Site Plans reflect the changes that we have reviewed and discussed during previous work sessions. We find that the application items to be consistent with the above mentioned Design Guidelines and recommend and support approval by the Montgomery County Planning Board.

Sincerely,

A handwritten signature in black ink that reads "Smita Anand". The signature is written in a cursive, flowing style.

Smita Anand,  
Principal  
KTGY Group