



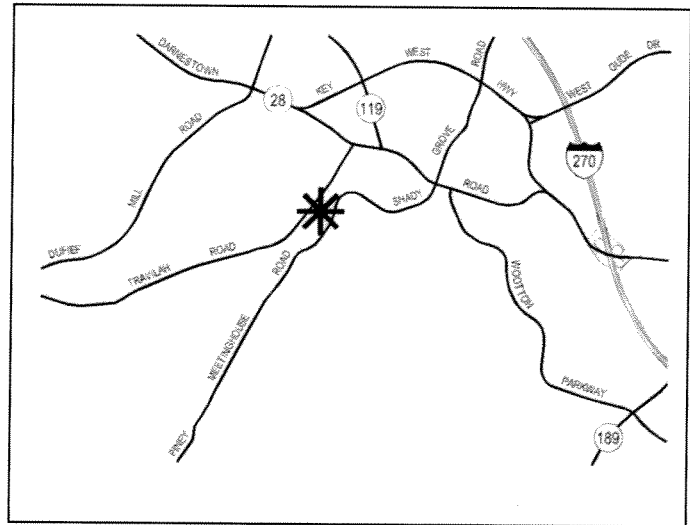
Travilah Grove, Preliminary Plan and Preliminary Water Quality Plan, 120120290

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Date of Staff Report: 10/12/12

Description

- Request is to consolidate six (6) parcels into one (1) lot of record for up to 300 multi-family apartments on 13.72 gross acres;
- Located at 14211 Travilah Road, 630 feet northeast of Unicorn Way and approximately 3,000 feet south of Darnestown Road (MD 28); zoned CR-0.5 (C0.5,R0.5,H80'); in the Great Seneca Science Corridor (GSSC) Master Plan Area and in the Piney Branch Special Protection Area (SPA);
- Applicant: Travilah Grove, LLC;
- Submitted 5/8/12.



Summary

- Staff recommends approval with conditions of the Preliminary Plan, the Preliminary Forest Conservation Plan (PFCP), and the Preliminary Water Quality Plan.
- The Subject Property was rezoned from the R&D zone to the CR-0.5 C0.5 R0.5 H80 zone by Sectional Map Amendment following the May 4, 2010 approval of the GSSC Master Plan.
- Applicant proposes standard method density; no sketch plan is required.
- The Preliminary Plan contains 300 units with 38 MPDUs (or 12.5%) and provides 0.41 acres of right-of-way dedication for Travilah Road. The proposed multi-family units will be served by public water and sewer and by private internal streets with three (3) vehicular access points on two (2) existing public streets, Travilah Road and Shady Grove Road.
- A Preliminary Forest Conservation Plan has been submitted with a Variance request for the removal of one (1) 36" sweet cherry tree.
- A Preliminary Water Quality Plan has been submitted to address impacts in the Piney Branch Special Protection Area (SPA).
- Staff received two (2) telephone call inquiries and no written correspondence regarding the proposal.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan 120120290 subject to the following conditions:

1. The Preliminary Plan is limited to one lot for a maximum of 300 mid-rise apartments, of which at least 12.5% must be moderately priced dwelling units (MPDUs).
2. The Certified Preliminary Plan must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of Site Plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for the lots. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
3. The Applicant must comply with the conditions of approval for the preliminary forest conservation plan no. 120120290 approved as part of this Preliminary Plan, subject to:
 - a. The Category I Easement areas as shown on the Forest Conservation Plan (FCP) must be recorded by plat prior to land disturbing activities occurring on-site.
 - b. The 16.5’ right-of-way in Afforestation Area A and C must be removed before any afforestation credit can occur in that area. If the right-of-way is not removed no afforestation credit will be provided.
 - c. The Applicant must show all proposed public utility and stormwater easements on the PFCP. No forest conservation credit will be provided within easement areas.
 - d. The Final Forest Conservation Plan must include on-site, native mitigation plantings for the removal of the variance tree on-site.
4. Staff recommends approval of the Preliminary Water Quality Plan subject to the following conditions:
 - a. The limits of disturbance depicted on the Final Water Quality Plan including the Final Stormwater Concept Plan and the Final Sediment Control Concept Plan must be consistent with the limits of disturbance on the Final Forest Conservation Plan.
 - b. The Applicant must conform to the conditions as stated in Montgomery County Department of Permitting Services (DPS) Preliminary Water Quality Plan and Stormwater Management Concept Plan approval letter dated August 9, 2012.
 - c. The Final Water Quality Plan must include an impervious surface area map that depicts the proposed imperviousness of the site.
5. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section, in its stormwater management concept letter dated August 9, 2012, and hereby incorporates these as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Stormwater Section, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. At site plan review, address the six (6) comments from the Montgomery County Department of Housing and Community Affairs’ (DHCA) letter dated September 19, 2012.

7. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated October 11, 2012, and does hereby incorporate them at conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Applicant must satisfy the Policy Area Mobility Review (PAMR) test by providing for transportation infrastructure improvements within the R&D Village Policy Area as follows:
 - a. Contributing to the Montgomery County Department of Transportation (MCDOT) at a maximum of \$351,000 (or \$11,700 times the first 30 new peak-hour trips) for unidentified transportation infrastructure improvements in the R&D Village Policy Area. The PAMR payment must be made prior to issuance of any building permit for the proposed project.
 - b. Construct at least \$152,100 (or \$11,700 times 13 new peak-hour trips) worth of off-site transportation-related improvements. The improvements must be under permit and bonded by the Montgomery County Department of Permitting Services (DPS) prior to issuance of any building permit for the proposed project.
9. The Applicant must enter into a Traffic Mitigation Agreement with MCDOT and the Planning Board to participate in the Greater Shady Grove Transportation Management District (TMD) and assist the Transportation Management Organization (TMO) in achieving the 2010 *Great Seneca Science Corridor Master Plan’s* Stage 2 non-auto driver mode share goal of 18%. The Traffic Mitigation Agreement must be executed prior to certification of the site plan.
10. The Applicant must dedicate between 32 and 35 feet of additional right-of-way for a total of 35 feet from the centerline along the Subject Property frontage of Travilah Road.
11. The site plan must show bicycle parking spaces as required by the Zoning Ordinance based on the final unit count.
12. All necessary easements must be shown on the record plat, including the off-site access easement on the Traville Conservancy Inc. site.
13. At application of any building permit, the Applicant must make a school facilities payment to the Montgomery County Department of Permitting Services for inadequate capacity in the Thomas S. Wootton School Cluster based on the high school level.
14. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
15. The record plat must specifically identify all stormwater management parcels.
16. A noise study is required that includes the baseline noise and the 20-year projected noise levels. If warranted, a further analysis will be required at site plan.
17. No clearing, grading, or recording of plats prior to certified Site Plan approval.
18. Final approval of the number and location of buildings, dwellings units, on-site parking, site circulation, and sidewalks will be determined at Site Plan.
19. The site plan must show ADA accessible pedestrian connections between the apartment buildings and the club house.
20. In the event that a subsequent Site Plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to right-of-way location, width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.

SITE DESCRIPTION

Vicinity

The Subject Property is located at 14211 Travilah Road, 630 feet northeast of Unicorn Way and approximately 3,000 feet south of the Darnestown Road (MD 28) intersection. The Property is in the Life Sciences Center (LSC) South District of the Great Seneca Science Corridor (GSSC) Master Plan area. The site abuts an existing office park (Traville Gateway) to the north; an undeveloped 2.63-acre parcel to the east (the Traville Conservancy Inc. site); and eight existing single-family detached dwellings (part of Willow Oaks) to the south. Across Travilah Road to the west are eight existing single-family detached dwellings zoned residential; all eight dwellings have frontage/vehicular access on this road. Stone Mill Elementary School is located to the west, behind the eight dwellings. The school has pedestrian access on the west side of Travilah Road.



Vicinity Map

Site Analysis

Staff conducted a site visit on August 27, 2012. The 13.72-acre Subject Property is comprised of six parcels; three are now developed (two parcels are improved with parking lots and a one-story masonry building). The site contains an area of Priority 1 forest identified on the Preliminary Forest Conservation Plan. Most of the Property is located in the Piney Branch watershed; however, a portion is in the Watts Branch watershed. The Piney Branch SPA bisects the Property. Noise impacts from Shady Grove Road are anticipated. No baseline information regarding noise impacts was submitted. Staff is of the opinion the Applicant should prepare a noise study showing the 20-year projected noise levels in relation to the proposed residential units and outdoor recreation facilities.

The Property is bisected from the north/south by a 50' WSSC easement at its center. The easement is located roughly parallel to Travilah Road. Two WSSC high-pressure water mains (a 36-inch and a 60-inch pipe, respectively) are located in the easement. WSSC policy discourages construction activity in vicinity of water mains; and prefers an 80-foot building restriction line from such water mains. WSSC's policy will be given further consideration at site plan review. The Property is in public water and sewer categories W-3 and S-3, respectively.

The Property is a former unregulated landfill where a substantial number of used tires were once buried. A tire fire ignited at one point and burned for many days. As a result, the Applicant is required by the State of Maryland to remove and remediate tons of contaminated soil. During a site visit this past summer, Area 2 Planning Staff observed the ongoing soil removal process.



Aerial View

PROJECT DESCRIPTION

Previous Approvals

A Natural Resources Inventory/Forest Stand Delineation in 420121230 was approved on April 19, 2012.

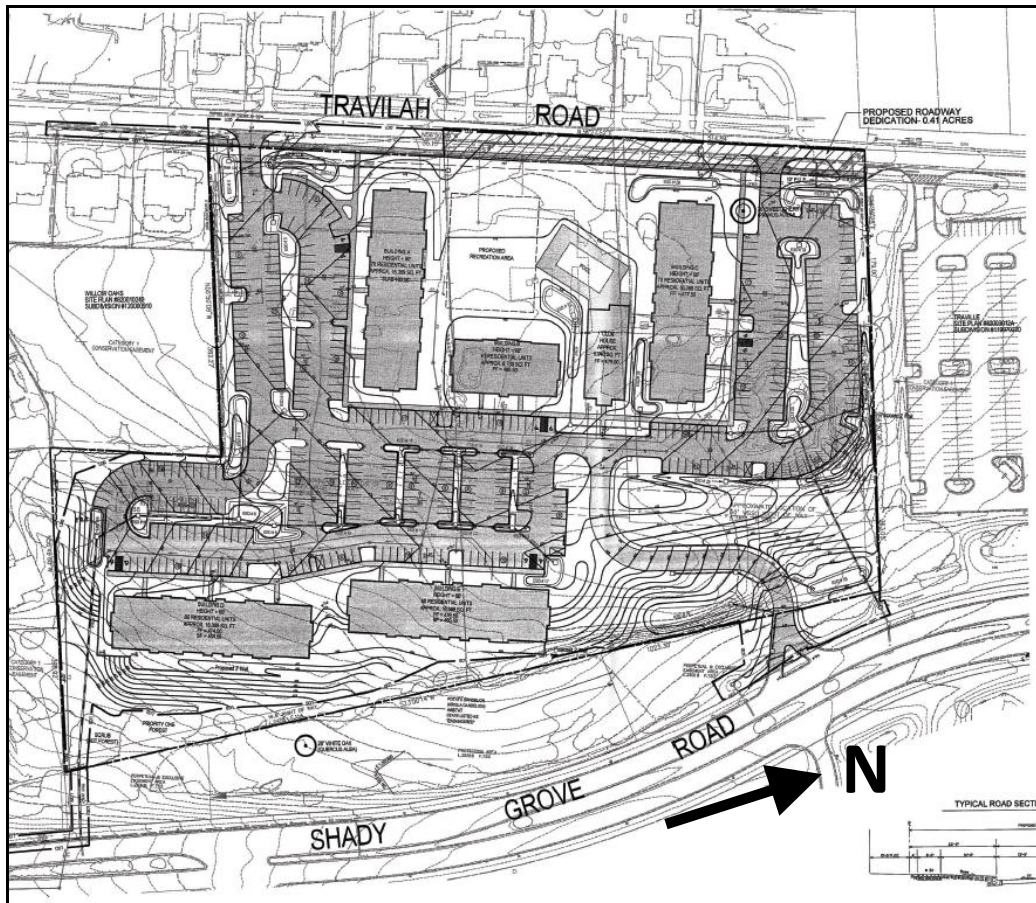
Proposal

The proposed Preliminary Plan (Attachment A) includes six parcels on 13.72 acres zoned CR-0.5 C0.5 R0.5 H80 standard method. The development will convert these parcels into one lot of record for five mid-rise multi-family garden apartment buildings containing up to 300 dwelling units, including 38 MPDUs (12.5%). A maximum building height of 60 feet is proposed. All parking is surface-level with 367 spaces in several interconnected lots. Three vehicular access points are proposed: two on Travilah Road

and one on Shady Grove Road; the latter access is exclusively for right-turns-in and right turns out. On-site recreation facilities include an outdoor, in-ground swimming pool and a 5,000 square foot club house with a fitness room and a community room with kitchen. A total of 1.35 acres (10% of the site) is designated for Public Use Space. Existing development will be removed for construction of the new buildings which will be served by public water and sewer. All internal streets will be privately maintained. A total of 0.41-acres will be dedicated for Travilah Road improvements.

Stormwater Management Concept and Preliminary Water Quality Plan

A stormwater management concept has been approved by the Department of Permitting Services (DPS) Water Resources Section. The Applicant also submitted a Preliminary Water Quality Plan to address requirements to both the Department of Permitting Services (DPS) Water Resources Section and the Planning Department. The former agency takes the lead responsibility in the review, monitoring and approval of this plan. Planning Staff reviews these plans for compliance with the Environmental Guidelines.



COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received written correspondence on the Preliminary Plan. Two telephone inquiries were received; one from a real estate research group representative regarding the development review process, its relationship timing-wise with the proposal's hypothetical completion, and whether the Preliminary Plan is approved by the Planning Board and the other from a nearby resident seeking detailed information.

ANALYSIS AND FINDINGS

Historic Preservation

No historic resources were identified within 2,000 feet or less of the proposed development plan.

Compliance with the Subdivision Regulations and Zoning Ordinance

In the application the Property is shown with a total of 13.72 gross acres, while General Notes of the Preliminary Plan show 13.49 acres. The 13.72 acres is used for density calculations minus 0.23 acres indicated as previously dedicated. The Applicant submitted an exhibit for the gross tract area, the total of the parcels is 13.72 acres (Attachment B). The plan’s Development Data Table also shows:

Table 1: Preliminary Plan Data Table
CR zone (C0.5, R0.5, H80) standard method with 12.5% MPDUs

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Maximum Height	80'	60'
Minimum Setbacks (59-C-15.72)		
Front	0 ft	Determined at Site Plan
Side/Rear (Abutting residential zone)	25 ft.	25 ft.
Side/Rear (Abutting non-residential zone)	0 ft.	Determined at Site Plan
Maximum Density (FAR)	0.5 FAR or 298,938 sq. ft.	298,938 sq. ft.
Maximum Units	n/a	300
MPDUs	12.5% or 38	38
Minimum Public Use Space	1.35 acres	1.35 acres
Site Plan Required	YES – per 59-D-3	--

Proposed building footprints shown on the Preliminary Plan are illustrative. The Preliminary Plan meets the requirements of the Montgomery County Subdivision Regulations, Chapter 50 and Zoning Ordinance, Chapter 59. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the CR zone as specified in the Zoning Ordinance. The lot 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.

Master Plan Conformance (Attachment C)

The Travilah Grove development occupies the area identified as the Rickman Property site in the Life Sciences Center (LSC) South District of the Great Seneca Science Corridor Master Plan. A primary objective of the Master Plan is to “Transform the LSC into a dynamic live/work community while ensuring growth opportunities for research, medical, and bioscience interests” (GSSC Master Plan page 9). Eleven key recommendations are listed at the beginning of the Plan. One of these key recommendations that directly apply is: “Ensure that development in the Piney Branch Special

Protection Area used the best available stormwater treatment techniques to protect the watershed's headwaters" (GSSC Master Plan page 10). Another recommendation that should be applied to every development in the GSSC, including the Rickman Property, is to "Create a sustainable community that will attract nationwide interest with design and materials that minimize carbon emissions, maximize energy conservation, and preserve water and air quality" (GSSC Master Plan page 10). This recommendation is echoed by the urban form recommendation to create "A standard for sustainability that reflects the LSC's cutting edge science" (Master Plan page 25).

Page 27 of the Master Plan includes a number of recommendations to protect water quality, beginning with "site design and construction options that minimize imperviousness," including "compact development, parking options such as reduced parking requirements and the use of structured parking and/or shared facilities," various Environmental Site Design treatment approaches, vegetated roofs and walls, use of landscaping plants that do not require extensive fertilization and watering, and increasing tree canopy cover. Residential mixed-use areas have a specific recommendation for 20-25% minimum tree canopy cover.

Pages 27 and 28 of the Master Plan include a specific section focusing on the Piney Branch Special Protection Area, with a specific reference to the Rickman Property, noting that "Development on this property should minimize new impervious surfaces especially on that portion of the property that drains to the Special Protection Area" (page 28). There are two specific recommendations on page 28 pertaining to development within the Piney Branch SPA:

- Future development in this area should minimize imperviousness in their site designs, particularly in the Special Protection Area.
- Any development that involves or is adjacent to serpentinite habitat should preserve this area and provide additional buffering wherever possible.

Discussion and recommendations specific to the LSC South district are covered on pages 50-52 of the Master Plan. Of the Rickman property, the Plan states:

"Only the 13-acre Rickman property on Travilah Road is undeveloped. The Plan recommends the Rickman property be rezoned from the R&D Zone to CR 0.5: C 0.5, R 0.5, H 80. The CR Zone has a height limit of 40 feet for standard method development.¹ However, a maximum height of 80 feet on this property could be considered to minimize imperviousness and encourage compact development, which may include parking underneath buildings (ground-level). The Rickman property is not subject to the Staging requirements.

The Piney Branch SPA bisects the Property. A key to protecting water quality in the SPA is limiting impervious surfaces. Development within this SPA requires a water quality plan that details how stormwater runoff will be managed to prevent further degradation to water quality in the SPA. Guidelines for the development of the Property are provided below. In addition, a population of state endangered *Krigia dandelion* is located east of the property along Shady Grove Road. The road was specifically aligned to avoid disturbance of this plant. Further development in this area should avoid disturbance of this population and provide a buffer area from new uses."(page 50)

¹The height restriction was removed in subsequent iterations of the Zone.

Master Plan recommendations (page 52) specific to the Rickman property are:

- Rezone the Rickman site to CR 0.5: C 0.5, R 0.5, H 80. Development of the property must address the following guidelines:
 - Minimize impacts to the SPA by orienting buildings and parking nearer Travilah Road, outside the SPA boundary to the extent feasible.
 - Ensure proper sediment control during construction.
 - Consider parking underneath buildings (ground-level), compact development design, and other techniques to minimize impervious surfaces.
 - Consider placing recreation facilities that are not noise-sensitive closer to Shady Grove Road.
 - Consider meeting afforestation requirements in the area adjacent to the existing strip along Shady Grove Road to enhance protection of the *Krigia* dandelion population.

The Applicant proposes to locate three of the buildings, plus the swimming pool and associated clubhouse to the west of the WSSC water lines, closer to Travilah Road as suggested by the Master Plan. The remaining buildings are just to the east of the WSSC water lines.

Subsequent to the adoption of the Great Seneca Science Corridor Master Plan, WSSC initiated a new policy encouraging establishment of an 80-foot building restriction line from large, high-pressure water mains. Two such water mains traverse the center of the Rickman property from north to south, roughly midway through the site. This policy results in the construction of buildings to the eastern and western portions of the site, complicating attempts to make the site design comply fully with the Master Plan recommendations. In addition, the prior use of the site as a landfill makes the use of stormwater treatments that promote infiltration less desirable. These treatments would ordinarily be encouraged in an SPA.

Further, the densities proposed on the site are not viable with the structured parking; therefore other approaches must be employed to minimize impervious surfaces on the site. The Applicant has proposed to reduce imperviousness through a reduction in parking below the maximum allowed and as close to the minimum as possible. This reconfiguration results in a 5% reduction in imperviousness from the initial preliminary plan submittal.

The Applicant also proposes significant tree planting throughout the site. The increased canopy coverage will help address water quality, air quality, and climate protection goals of the Master Plan. A detailed landscape plan including numbers and locations of tree plantings must be provided at the time of site plan.

The Preliminary Forest Conservation Plan proposes additional forest plantings along the boundary with the adjoining conservation area protecting the *Krigia* dandelion population.

Other Master Plan Issues

Climate Protection

The Master Plan makes a number of recommendations to reduce development's carbon footprint (page 29), including site and building design and orientation that takes advantage of passive solar heating and lighting and passive cooling opportunities and commitments to reduce energy and water consumption. Many of these recommendations should be incorporated at the time of Site Plan, including a

commitment that new buildings meet the minimum energy efficiency standards of 17.5% below the calculated baseline performance or meet the appropriate ASHRAE advanced energy design guide.

Housing

The Master Plan encourages the provision of housing to improve the area's jobs-housing balance. The Plan recommends a range of housing options to help meet County housing goals, including Moderately Priced Dwelling Units and workforce housing (page 23). The Preliminary Plan for Travilah Grove proposes 12.5% MPDUs.

Staging

The Property is exempt from the Plan's staging restrictions (page 76).

Conclusion

Based on an analysis of the proposed Preliminary Plan elements, Staff finds that the Preliminary Plan is in substantial conformance with the Master Plan.

Moderately Priced Dwelling Units (MPDUs)

The Preliminary Plan shows 12.5% (or 38 dwelling units) of the proposed 300 multi-family units as MPDUs. The remaining 262 units will be built as market-rate units. The final MPDU number/unit mix will be determined at site plan. The Department of Housing and Community Affairs (DHCA) reviewed the Preliminary Plan and provided comments in a letter dated September 19, 2012 (Attachment F). The DHCA recommends approval of the Preliminary Plan subject to six issues to be addressed at site plan.

Public Facilities

Roads and Transportation Facilities

Site Location and Vehicular Site Access Points

The site is located between Travilah Road and Shady Grove Road south of Darnestown Road with site access points from both roads. The median along Shady Grove Road limits site access to only right-turns in and right turns-out.

The vehicular site access point from Shady Grove Road in the northeast portion is via a recorded access easement (Deed of Easements with a Liber 28318, Folio 753 Attachment D) from the Traville Conservancy Inc. The Conservancy owns the 2.63-acre parcel located between the Property and Shady Grove Road. Staff has verified the access easement documents and the reference to it on the subject preliminary plan.

Master-Planned Roadways and Bikeways

In accordance with the 2010 *Great Seneca Science Corridor Master Plan* and the 2005 *Countywide Bikeways Functional Master Plan*, the master-planned designated roadways and bikeways are as follows:

1. Travilah Road is designated as a two-lane primary residential street, P-14, with a recommended 70-foot-wide right-of-way and a shared use path, SP-57, on the west/opposite side. The Applicant proposes to dedicate additional right-of-way for a total of 35 feet from the centerline as shown on the submitted plans.

2. Shady Grove Road is designated as a four-lane arterial, A-34, with a recommended 100-foot-wide right-of-way, and a dual bikeway (bike lanes and a shared use path on the east/opposite side), DB-23.

Relevant Transportation Project

MCDOT Capital Improvements Program (CIP) Project No. 500101, Travilah Road, Phase II will construct two missing segments of sidewalk on the east side of Travilah Road. In addition, Phase II includes construction of a bike path along the south side of Darnestown Road from Travilah Road to Great Seneca Highway. Phase II is projected to be completed by September 2013.

Phase I of this CIP project was completed in June 2009 and included the following:

1. Widening the travel lanes along Travilah Road between 400 feet west of Nolan Drive to Dufief Mill Road;
2. Constructing an 8-foot-wide bike path with a 4-foot-wide green panel on the northwest side of Travilah Road; and
3. Improving the intersection of Travilah Road and Piney Meetinghouse Road.

Transportation Demand Management

The site is located within the boundary of the Greater Shady Grove TMD. As described in Recommendation No. 3, the Applicant must participate in the TMD and assist the County in achieving and maintaining the 2010 *Great Seneca Science Corridor Master Plan's* Stage 2 non-auto driver mode share goal of 18% and the ultimate goal of 30%. The Master Plan does not explicitly differentiate between vehicular trips generated by residents and employees nor limit participation with the TMD to only non-residential developments. With fewer than 25 employees on site at any one time, however, a traffic management plan is not required as part of the Traffic Mitigation Agreement.

Public Transit Service

Transit service is available along Shady Grove Road via Ride On route 67. The Maryland Transit Administration's (MTA) preferred alignment of the Corridor Cities Transitway (CCT) does not operate along the adjacent roadways. The nearest CCT station is planned approximately 3,000 feet to the north of the site, located on the north side of Darnestown Road at its intersection with Travilah Road.

Pedestrian and Bicycle Facilities

A 6-foot-wide sidewalk exists along the Shady Grove Road frontage. Shared-use paths exist on the opposite sides of Shady Grove Road and Travilah Road. The Applicant proposes a 5-foot-wide sidewalk with a green panel along the property frontage, as recommended by the Master Plan.

As conditioned, the internal pedestrian connections must be ADA accessible between the apartment buildings and the club house, which are not shown on the plans received on September 7, 2012. Internal pedestrian connections with the necessary handicapped ramps must be delineated from the sidewalk on the east side of Buildings A, B, and C, through the parking area, and to the sidewalk on the west side of Buildings D and E. In addition, handicapped ramps must be provided at the pedestrian crossing between the terminus of the lead-in sidewalk from Shady Grove Road and the opposite sidewalk between the club house and Building C.

Under Section 59-C-15.62 of the County Zoning Ordinance, a development located in the CR zone requires the Applicant must provide bicycle parking spaces for each residential building with 20 or more

dwelling units. The required bicycle parking for the five proposed apartment buildings is as follows, based on the preliminary plan unit count:

Building	No. of Units	Type of Bike Parking	
		Publicly Accessible (0.1 space per unit)	Privately Accessible (0.35 space per unit)
A	70	7	25
B	40	4	14
C	70	7	25
D	60	6	21
E	60	6	21
Total	300	30	106

The publicly accessible spaces must be inverted-U bike racks or approved equal and the privately accessible spaces must be bike lockers or a secured bike storage room and will be finalized according to the final unit count.

Local Area Transportation Review

The proposed 300 mid-rise apartments generate 123 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and 142 peak-hour trips during the evening peak period (4:00 to 7:00 p.m.). The Applicant submitted a traffic study to satisfy the LATR test because the proposed development generates 30 or more total peak-hour trips within the weekday morning and evening peak hours. The table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic conditions as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the site-generated trips.

<i>Analyzed Intersection</i>	<i>Weekday Peak Hour</i>	<i>Traffic Condition (CLV)</i>		
		<i>Existing</i>	<i>Background</i>	<i>Total</i>
Darnestown Road & Travilah Road	Morning	937	1,074	1,148
	Evening	939	1,193	1,234
Shady Grove Road & Traville Gateway Drive	Morning	442	456	456
	Evening	614	645	670
Travilah Road & Northwestern Site Access	Morning	CLV values are not shown because these site access points do not currently exist.		652
	Evening			681
Travilah Road & Southwestern Site Access	Morning			581
	Evening			679
Shady Grove Road & Eastern Site Access	Morning			392
	Evening			428

As shown on the table above, the CLVs at the five intersections are less than the congestion standard of 1,450 for intersections located in the R&D Village Policy Area. Thus, the Local Area Transportation Review test is satisfied.

Policy Area Mobility Review (PAMR)

Under the Subdivision Staging Policy in effect when the subject plan was filed, the PAMR test requires the Applicant to mitigate 30% of the 142 (i.e., 43) new peak-hour trips generated by the proposed development within the weekday morning and evening peak hours. To satisfy PAMR test, the Applicant proposed to pay \$11,700 per trip multiplied by 43 trips or \$503,100 towards the off-site LATR intersection improvements within the R&D Village Policy Area. A portion of the PAMR payment could fund the construction of the missing and unfunded segment of the shared-use path on the west side of Medical Center Drive between Medical Center Way and Blackwell Road that is part of the master-planned dual bikeway, LSC Loop LB-1.

Schools

The site is located in the Thomas S. Wootton School Cluster. This cluster currently has inadequate capacity (107.6%) at the high school level in the Subdivision Staging Policy – Results of School Test for FY 2013. The Schools Facility Payment is based on a pre-determined fee by unit type (i.e., multi-family garden apartments currently have a high school level fee of \$2,081.00 per unit). Based on this formula the Applicant’s *estimated* payment of \$624,300 is calculated below:

$$\begin{array}{r} \$2,081 \text{ current high school level fee per unit type} \\ \underline{\times 300} \text{ multi-family garden apartments proposed} \\ \$624,300 \text{ Applicant's estimated payment} \end{array}$$

This payment is an *estimate* based on the current high school level fee and is subject to change. The Applicant’s payment will be adjusted accordingly subject to the high school level fee in effect at the time of application of any building permit. This payment must be made to the Montgomery County Department of Permitting Services.

Other Public Facilities and Services

The Application was reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities such as police stations, firehouses and health services are currently operating within the standards set by the Growth Policy resolution currently in effect and, these services are available and will be adequate to serve the proposed development. The Property will be served by public water and sewer systems. Electrical, gas, and telecommunications services are available to serve the Property. Therefore, based on the analysis above and with the conditions of approval, Staff finds other public facilities are adequate to support and service the area of the Preliminary Plan.

Environment

Environmental Guidelines

Forest Conservation Exemption #42012018E was confirmed on October 10, 2011 to allow for a soil remediation, removal, and fill project on the Property. The exemption was confirmed only for remediation of a contaminated site. It was understood that any development application did not qualify for an exemption from submitting a forest conservation plan. The Applicant did submit a new Natural Resources Inventory/Forest Stand Delineation and this plan was approved on April 19, 2012. As part of the soil remediation project, erosion and sediment control devices including a sediment basin are located on the Property. The remainder of the Property consists of open non-maintained field, areas of tree cover, and a 0.10-acre high priority forest stand in southeastern portion of the Property. The Property contains no streams, stream valley buffers, wetlands, or wetland buffers. One specimen tree is located within the northwestern portion of the Property and is proposed for removal.

The northwestern portion of the Property drains to the Muddy Branch watershed, designated as Class I-P Waters by the State of Maryland. The remainder of the Property drains to the Piney Branch Tributary of the Watts Branch Watershed, designated as Class I-P Water by the State of Maryland. The entire eastern, southern, and central portions of the Property are located within the Piney Branch Special Protection Area (SPA).

In addition to protecting water quality, the Piney Branch SPA was established to protect the globally rare, Serpentine Barrens, which is an ecosystem underlain by serpentine bedrock that supports a unique composition of plant species. The Property contains serpentine bedrock throughout the project area and is bordered to the east by a forested community meeting the characteristics of the rare serpentine ecosystem. This forest currently supports a community of the State-listed endangered, potato dandelion (*Krigia dandelion*) and is protected with an easement owned by Traville Conservancy Inc.

Preliminary Forest Conservation Plan (Attachment E)

This Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code), and a Preliminary Forest Conservation Plan ("PFCP") has been submitted for Planning Board approval. The PFCP proposes the removal of 0.00 of no forest, but requires 2.00 acres of forest planting. The Applicant proposes to meet the planting requirements through a combination of forest retention of the high priority forest on-site, planting of on-site forest cover, landscaping areas, and tree cover. In addition, the Applicant proposes to place the high priority forest and a forest planting area adjacent to the high priority forest in a Category I Conservation easement.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The Applicant submitted a variance request on June 19, 2012 for the removal of trees as depicted on the attached PFCP. The Applicant proposes to remove one tree that is 30 inches and greater, DBH, and is considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law. This tree is a 36 inch DBH sweet cherry (*Prunus avium*) in fair condition and located within the northwestern portion of the Property.

Unwarranted Hardship Basis

Under Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested tree(s) in an undisturbed state would result in unwarranted hardship. The proposed development is in accordance with both the intent and recommendation of the Great Seneca Science Corridor Master Plan and the CR zone, both of which are intended to create higher density uses.

Variance tree number 2 is located in the northwest portion of the site closest to Travilah Road. Due to the proximity of the subject tree to the entrance from Travilah Road and the intensity of the development north and west of the Piney Branch SPA, protecting this tree would require significant changes to the proposed plan. Staff concurs that the Applicant has a sufficient unwarranted hardship to consider a variance request.

Variance Findings -Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

This site will require extensive grading to accommodate the construction of the proposed mixed-use development as recommended in the Great Seneca Science Corridor Master Plan. The highest intensity of the development is proposed within the northern and northwestern portions of the site to reduce the imperviousness within the Piney Branch SPA to the south, east, and northeast and to protect the critical habitat of the State listed endangered potato dandelion located within the adjoining property along Shady Grove Road. In addition, the developable area of the site is constrained by an existing 50-foot WSSC easement that transects the central portion of the Property. Therefore, it is Staff's opinion, that granting the variance will not confer a special privilege to the Applicant that would be denied to other applicants with similar constraints.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

Staff concurs that the requested variance is based on the constraints of the Property, which limit the development density and the public facilities and amenities, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

Staff concurs that the requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The specimen tree requested for removal on-site is not located in an environmental buffer or the Piney Branch SPA. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

There is one tree proposed for removal as a result of the proposed development. Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, Staff is recommending that replacement occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" caliper trees. This means that for the 36" DBH of trees removed, the required mitigation will be three native canopy trees with a minimum size of 3" caliper. While these trees will not be as large as the lost tree, they will provide some immediate canopy and will help augment the canopy coverage. Staff, therefore, recommends the addition of three native canopy trees with a minimum size of 3" caliper to the Final Forest Conservation Plan (FFCP). Because these trees are in mitigation for specimen trees removed, these trees do not count toward requirements identified in the forest conservation worksheet.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on June 28, 2012. On July 16, 2012, the County Arborist issued her recommendation that the variance be approved with mitigation.

Recommendation - Staff recommends that the variance be granted and that the Application satisfies the requirements of the Forest Conservation Law, as conditioned.

Preliminary Water Quality Plan

As part of the requirements of the Special Protection Area law, a preliminary water quality plan must be reviewed in conjunction with a preliminary subdivision plan.² Under the provision of the law, the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. DPS reviews and acts on those elements of the water quality plan that relate to water quality protection performance goals, stormwater management, sediment and erosion control, and monitoring of best management practices. DPS has reviewed and approved the elements of the Preliminary Water Quality Plan under its purview in their letter dated August 9, 2012 (Attachment F). The Planning Board's responsibility in Section 19-65.(a)(2)(A)³ is to

² Section 19-62 (b) of the Montgomery County Code states that "except as otherwise expressly provided in this Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property: . . . who is required by law to obtain approval of a development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan."

³ Section 19-65(a)(2)(A) states that "In acting on a preliminary or final water quality plan, the Planning Board has lead agency responsibility for: (i) Conformity with all policies in the Planning Board's Environmental Guidelines which apply to special protection areas; (ii) Conformity with any policy or requirement for special protection areas, including limits on impervious area, in a land use plan, watershed plan, or the Comprehensive Water Supply and Sewer System Plan; and (iii) Any other element of the plan in which the Planning Board has primary agency design, review, and approval responsibility."

determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Site Performance Goals

As part of the Preliminary Water Quality Plan, two performance goals were established for the site: minimize storm flow run off and minimize sediment loading and land disturbances with an emphasis on immediate stabilization.

Site Imperviousness

The Piney Branch SPA does not require a specified impervious limit on land development projects. However, the Applicant has reduced the impervious surface areas within the project area from the 41% in the initial application to 36% imperviousness by reducing the surface parking. Due to previous dumping operations on the Property, encouraging methods to enhance groundwater recharge and infiltration on the Property may not be permissible. DPS has required that a geotechnical report be provided with the Final Water Quality Plan for the Property that addresses whether or not areas are present within the Property to allow for groundwater recharge/infiltration. Staff has required that the Applicant provide an impervious surface area map to depict locations where the Applicant has made an effort to reduce the imperviousness of the project area and will further explore other opportunities with the Applicant to reduce imperviousness before submission of the Final Water Quality Plan.

Environmental Buffers

There are no environmental buffers on the Property.

Forest Conservation

The Great Seneca Science Corridor Master Plan identified the Piney Branch SPA as containing remnants of a globally rare habitat supported by the serpentinite rocks that underlie parts of the area. The PFCP identifies one high priority forest community within the southeastern portion of the project area. This forested area is an extension of the forest stand located along the eastern boundary of the project site and along Shady Grove Road on the adjoining Traville Conservancy property. This entire forest stand, underlain with serpentine bedrock, supports a community of State-listed endangered potato dandelion. The Applicant proposes to retain this forest stand and to enhance it with additional forest and along a significant portion of the eastern boundary of the project site. The Applicant also proposes to place this forested buffer in a Category I Conservation easement to further protect the forest community around the State-listed plant.

Stormwater Management Concept

The Stormwater Management Concept Plan proposes to meet required stormwater management goals via installation of a combination of micro-bioretenion facilities. Staff has required the Applicant to revise the limits of disturbance of the Final Stormwater Management Concept Plan to match the limits of disturbance as depicted on the Final Forest Conservation Plan. DPS conditionally approved the Concept Plan in their letter dated August 9, 2012 (Attachment F).

Sediment and Erosion Control

DPS is requiring redundant sediment controls to be used throughout the Property. The use of sediment traps with forebays that provide for containment of 125% of the normally required storage volume will be acceptable for larger disturbed areas. Silt fences alone will not be allowed as a perimeter control although the use of super silt fences will be acceptable for small areas of disturbance. In order to protect the high priority forest on-site and to reduce the amount of off-site forest removed, Staff has

required the Applicant to revise the limits of disturbance of the Final Sediment Control Concept Plan to be consistent with the limits of disturbance depicted on the Final Forest Conservation Plan.

Noise Impacts

Noise impacts are anticipated from Shady Grove Road, an existing arterial road (A-34). A noise study is required that includes the baseline noise and the 20-year projected noise levels. If the study finds any outdoor recreation area and/or residential units are inside the 65 dBA Ldn noise contour, then further analysis is warranted by the Applicant at site plan.

Site Plan Review

Site Plan review is required pursuant to Sec.59-C-15.41. Standard method, at which time all proposed building locations and other site plan details must be reviewed by the Planning Board.

OVERALL CONCLUSION

The proposed lot meets all the requirements established in the Subdivision Regulations and the Zoning Ordinance, and the Application substantially conforms to the recommendations of the Great Seneca Science Corridor Master Plan. Access and public facilities will be adequate to serve the proposed lot. The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan. Therefore, Staff recommends approval of the Preliminary Plan, the Preliminary Forest Conservation Plan, and the Preliminary Water Quality Plan with the above specified conditions.

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Attachments:

- A. Proposed Preliminary Plan
- B. Acreage Exhibit
- C. Great Seneca Science Corridor Master Plan (pages 9, 10, 23, 25, 27-29, 50-52 and 76)
- D. Deed of Easements
- E. Preliminary FCP
- F. Agency Approvals



plan summary

The *Great Seneca Science Corridor (GSSC) Master Plan* envisions a vibrant Life Sciences Center (LSC) where the foundation of health care, biotechnology, and academia combine to create a dynamic and sustainable science and medical hub. Knowledge will drive its agenda, attracting international scientists, business leaders, physicians, and professors who will contribute ideas and insights for the future. Labs, classrooms, research centers, and universities will encourage and foster cutting-edge discoveries. The LSC should evolve into a place where the physical form—buildings, open spaces, and amenities—is as inspiring as the discoveries occurring inside.

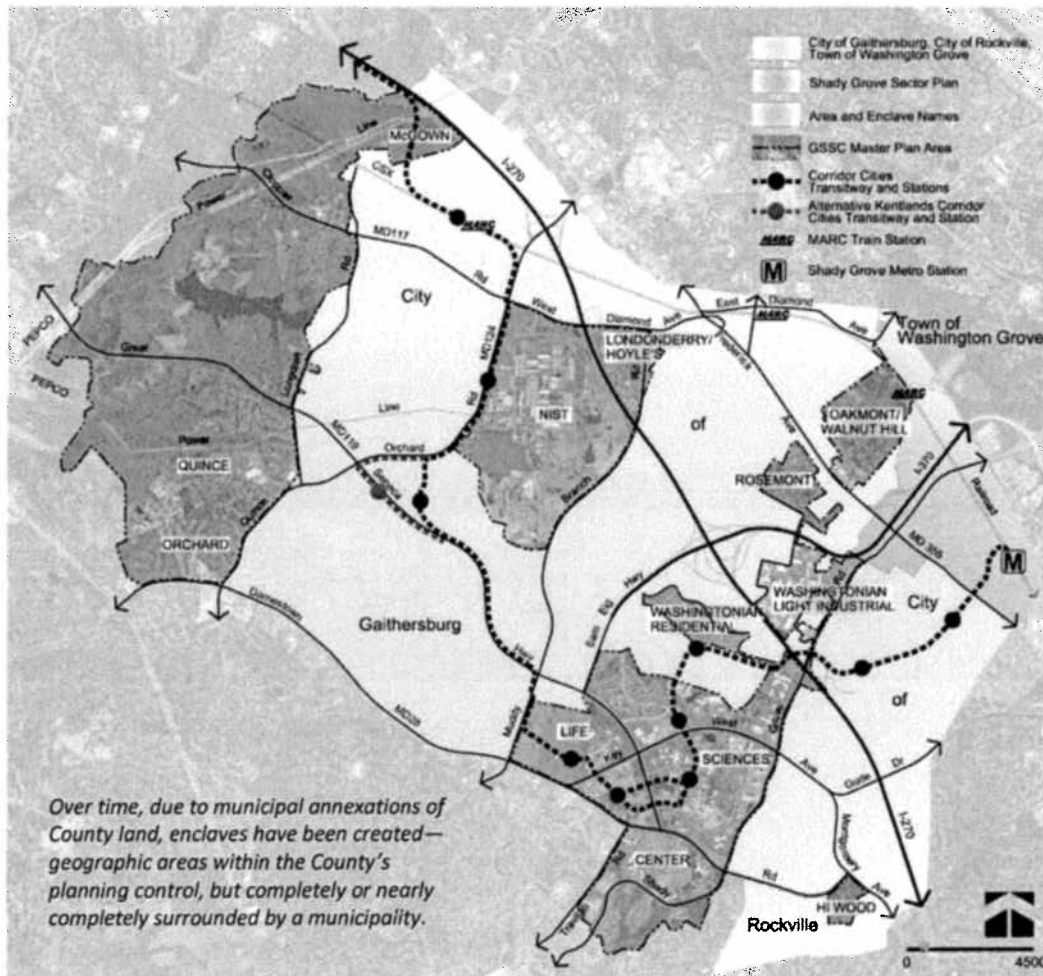
This Plan's vision will develop over 25 to 35 years. During that time, the local and national economy will experience three or four business cycles. These economic cycles make it imperative to periodically check the Plan's progress and recommendations. Regardless of the pace of growth, it is essential to establish a vision and provide a blueprint for the future that will enable the LSC to evolve over time.

While this Plan is about providing opportunities for future world-leading scientific research, it is also concerned with protecting residential neighborhoods and investments made by businesses and institutions in the area. Growth and change in the LSC must occur in a way that does not overburden the surrounding communities. This Plan's explicit staging recommendations are essential to preserving the quality of life that residents enjoy. Infrastructure—particularly transit—must be provided before significant amounts of development can be built. Staging development ensures that growth will be managed and timed with the delivery of the infrastructure necessary to support it.

Key Recommendations

- Transform the LSC into a dynamic live/work community while ensuring growth opportunities for research, medical, and bioscience interests.
- Align the Corridor Cities Transitway (CCT) through the LSC and provide four transit stations that will be the focal point of new development in the LSC North, Central, West, and Belward districts.
- Concentrate density, building height, and civic green spaces at the CCT stations. Provide appropriate transitions to adjacent neighborhoods and to the historic Belward Farm.
- Create a grid pattern of new streets that improve local circulation and connectivity among the LSC districts, promote alternatives to car use, and enhance access to the future transit stations.

map 1 Great Seneca Science Corridor Master Plan



- Create the LSC Loop as the organizing element of the open space plan to connect districts and destinations, incorporate natural features, and provide opportunities for recreation and non-motorized transportation.
- Replace the Public Safety Training Academy (PSTA) in the LSC West District with a new residential community that includes supporting retail, open spaces, and community facilities.
- Maintain the established residential neighborhoods throughout the GSSC Master Plan area.
- Create a sustainable community that will attract nationwide interest with design and materials that minimize carbon emissions, maximize energy conservation, and preserve water and air quality.
- Ensure that development in the Piney Branch Special Protection Area uses the best available stormwater management treatment techniques to protect the watershed's headwaters.
- Meet the recreation needs of the GSSC area by identifying and acquiring a site for a new local public park in the Quince Orchard area and requiring the dedication of parkland for new parks and open spaces in the LSC Districts.
- Support the County's Agricultural Reserve with zoning that requires acquisition of Building Lot Termination (BLT) easements to achieve maximum densities.

Housing

This Plan's primary goal is to create a world class life sciences center. A range of housing options and amenities is needed to support this development and help achieve County housing goals, including Moderately Priced Dwelling Units and workforce housing. The transportation infrastructure proposed in this Plan will link the LSC districts in a sustainable development pattern where people can walk, bike, or use transit to reach their destinations.



One of the County's fundamental planning tools is the jobs-housing balance—the ratio of jobs to housing units in an area. Creating a balance provides the opportunity for people to live near work, which can reduce traffic congestion. While a balanced jobs-housing ratio does not guarantee that the housing will be occupied by those who work nearby, opportunities to live near work should be provided.

To date, the LSC has developed as a single-purpose, single-use employment center. Housing has not been a permitted use so the jobs-housing ratio within this area is not balanced. Because the LSC's focus has been on economic development and jobs, not housing, achieving the optimal jobs-housing balance within this small geographic area is unrealistic. However, over a broader area, the appropriate ratio can be achieved.

The 1990 Plan proposed new residential neighborhoods on large tracts of land near the LSC, including new neighborhoods at the King Farm, the Crown Farm, and the Thomas Farm (Falls Grove). King Farm and Falls Grove were annexed into the City of Rockville and are nearly built-out. The Crown Farm was annexed into the City of Gaithersburg, which approved a mixed-use community with 2,250 dwelling units that is not yet under construction. Existing housing that is near the LSC and within the Plan boundaries totals 3,262 dwelling units (of which 230 are senior units) at the Decoverly and Traville communities and the Washingtonian cluster north of Crown Farm.

This Plan recommends a new residential community on the current site of the County's Public Safety Training Academy (PSTA), LSC West. Housing development on this site could yield 2,000 new dwelling units. In addition, the Plan recommends that housing be allowed as a secondary use in the LSC Central District, which, along with several other sites in the greater LSC, could yield 3,750 new dwelling units. In LSC Central, the Plan allows 30 percent of the density to be used for housing. If all LSC Central property owners utilized this option, the total dwelling units in the district could be 2,225. This maximum theoretical amount will not be achieved in LSC Central due to the existing built environment and the business objectives of the property owners.

The LSC will be part of a continuum of communities linked by the CCT, enabling people to live and work within the corridor and get where they need to go by transit. At CCT stations to the east and west of the LSC, over 10,000 dwelling units are planned in pedestrian-oriented, mixed-use communities, including the Shady Grove Metro Station, the Crown Farm, and Watkins Mill Town Center. Creating such places fosters sustainable development and helps reduce sprawl as well as our dependence on autos.

Urban Form and Open Spaces

The LSC districts will be connected through a refined street network, transit, and trails. The highest density and building height will be concentrated at the proposed CCT stations. People may live and work in the same district, but interact with colleagues in another district. Overall, mobility will be enhanced through options other than cars, and shorter trips.



The streets, buildings, and open spaces will create a physical environment that supports the research community and enhances opportunities for people to interact. Design guidelines for the LSC, in a separate document, provide detail to guide new development and implement the urban form recommendations in this Plan.



The Plan's urban design recommendations set the scale and character for the LSC.

- Circulation on a pedestrian-oriented street grid that creates pedestrian and bicycle connections to transit and between uses and districts.
- Buildings that define the public spaces, streets, plazas, parks, and views.
- A system of public open spaces that provides a setting for community activity and also preserves natural resources.
- A standard for sustainability that reflects the LSC's cutting edge science.

Circulation

The LSC will have a walkable street system with a grid network. Streets and transit will tie the districts together. The LSC Loop, described below, will unify the pedestrian and bicycle circulation system of sidewalks, bikeways, trails, and paths that provide mobility and recreation options. The CCT will include a multi-use path that will enhance connectivity among the LSC districts.

- Grid network of streets
- Sidewalks connecting districts, providing access to transit and public spaces
- CCT transit stations and multi-use path

Buildings

Buildings oriented to the streets and public spaces will be built based on development standards that accommodate a variety of uses, including laboratories, prototype manufacturing, offices, academic buildings, residences, and retail spaces. Allowing mixed uses is critical to achieving the Plan's vision. Building standards will also ensure that new development provides compatible transitions to adjacent neighborhoods along Darnestown and Muddy Branch Roads.

- Buildings and residential entrances oriented to streets
- Parking garages located on block interiors
- Visible retail focused at CCT stations

Sustainability

Sustainability is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. A sustainable community integrates economic viability,

Many of the techniques recommended in this Plan are included in the Environmental Site Design (ESD) stormwater treatment approaches now required by State and local laws and regulations. In addition, the County will be undertaking retrofit programs consistent with the requirements of the state stormwater permit. The result of this combination of regulation, County retrofit programs and master plan recommendations will be the restoration of natural resources and environmental functions that can be incorporated into the concentrated development pattern envisioned for this area.

To protect water quality, this Plan:

- Recommends site design and construction options that minimize imperviousness. These options include:
 - Compact development.
 - Parking options such as reduced parking requirements and the use of structured parking and/or shared parking facilities (see page 55).
- Recommends the use of bioswales, planter beds, rain gardens, pervious pavement, the incorporation of non-paved areas into open spaces, and similar techniques included in Environmental Site Design. Techniques that increase soil volume and porosity under paved areas are recommended to enhance infiltration opportunities.
- Recommends the use of vegetated roofs and walls.
- Recommends increasing tree canopy. Specific tree canopy goals are:
 - Predominantly commercial mixed-use areas: 15-20 percent minimum canopy coverage.
 - Predominantly residential mixed-use areas: 20-25 percent minimum canopy coverage.
 - The Belward Campus, with its specialized institutional use and protection of existing natural resources, should have minimum canopy coverage of 30 percent.
 These goals should be met by combining forest conservation requirements with street tree plantings and landscaping plantings (see page 86). Public and private open space areas should strive for a minimum of 25 percent canopy coverage. Surface parking areas should meet or exceed 30 percent canopy coverage.
- Recommends incorporating tree canopy and infiltration techniques into portions of the LSC Loop that connect existing natural areas.
- Recommends incorporating tree canopy and infiltration techniques into other open spaces wherever feasible.
- Recommends landscaping with plants that do not require extensive watering or fertilization. Native plants that are adapted to grow in our area are preferred.
- Recommends the use of low-flow plumbing fixtures in buildings.
- Promotes using techniques that capture and re-use stormwater and/or graywater (graywater is water from sinks, bathtubs and showers that can be safely used for watering plants or flushing toilets). This may include the use of rain barrels and cisterns. These uses must be consistent with County health regulations.

Piney Branch SPA

Portions of the Life Sciences Center area are included in the Piney Branch Special Protection Area for water quality and contain remnants of the rare habitat provided by the serpentinite rocks that underlie parts of this area. Special Protection Areas require that a water quality plan be prepared detailing how impervious surfaces will be minimized and how advanced and redundant stormwater treatment measures will be achieved. Most of the Special Protection Area is in the LSC South District, where this Plan recommends that development be restricted to existing and approved development, with the exception of the Rickman Property. Development on this property should minimize new impervious surfaces especially on that portion of the property that drains to the Special Protection Area. A small portion of the SPA extends north of Darnestown Road into the southern portion of the LSC Central District. Most of this area is already developed.

- Future redevelopment in this area should minimize imperviousness in their site designs, particularly in the Special Protection Area (see page 50).
- Any development that involves or is adjacent to serpentinite habitat should preserve this area and provide additional buffering wherever possible.

Air Quality

Most impacts to air quality result from the operation of motorized vehicles and regional energy production involving the combustion of fossil fuels. Impacts include the emissions of precursors of ground-level ozone, volatile organic compounds, carbon monoxide, oxides of nitrogen and sulfur, and fine particulates. Amelioration of air quality impacts involves restoring air filtering and oxygen-producing functions, reducing vehicle miles traveled, and reducing use of energy produced by burning fossil fuels.

To restore air filtering and oxygen-producing functions, this Plan:

- Recommends increasing vegetation through the use of planter beds, bioswales and rain gardens, landscaping, street trees, and vegetated roofs and walls to the maximum extent feasible through aggressive application of Environmental Site Design.

To reduce vehicle miles traveled, this Plan:

- Recommends creating compact, mixed-use development that encourages and facilitates non-motorized travel and reduces travel distances.
- Recommends providing alternatives to automobile travel, including:
 - Public transit in the form of the CCT and local bus service.
 - Incorporating trails into the LSC Loop. Trails in regulated areas such as stream buffers and forest conservation easements should be natural surface; trails outside of environmentally regulated areas may be hard-surfaced to facilitate travel by bicycle (see page 92).
 - Incorporate other pedestrian and bicycle trails throughout the Life Sciences Center, and make connections to other Countywide and local jurisdiction trail systems (see pages 92).
 - Make the existing area more walkable by improving road crossings (see page 86).
- Encourages other measures, such as the provision of bicycle parking facilities, to promote and facilitate non-motorized travel.

Climate Protection

Carbon dioxide and other greenhouse gasses are released into the atmosphere by combustion of fossil fuels to power motorized vehicles and to provide power for lighting, heating and cooling buildings and powering electronics and appliances, and by deforestation. Summertime energy use is driven higher by urban heat island effects from radiant heating of hard surfaces. Approaches to mitigating climate impacts focus on reducing energy consumption, increasing use of renewable energy, restoring carbon sequestration and storage functions, and reducing urban heat island effect.

The carbon footprint analysis contained in the Appendix to this Plan shows that, even if we cannot account for potential improvements to building and vehicle technology or behavioral changes to reduce energy consumption, per capita carbon dioxide emissions will be significantly less with compact, transit served development than would be the case if the same number of new homes and jobs were built on vacant land in other parts of the County.

Taken in isolation, the carbon footprint of new development in the Plan area will be greater than would occur under the 1990 Master Plan; however, the increase in the carbon footprint for the entire County will be less under this Plan. The compact, walkable, transit served community will enable people and employers to make even greater reductions in the carbon footprint. The following recommendations are aimed at reducing the carbon footprint through reduced energy consumption,

promotion of renewable energy generation, increased carbon sequestration and reduced urban heat island effect.

To reduce carbon footprint, this Plan:

- Recommends development that is compact, features a mixture of land uses, is walkable and served by public transit to make efficient use of land and resources, to reduce vehicle miles traveled and facilitate non-motorized travel.
- Creates opportunities for new development and redevelopment that take advantage of existing infrastructure and adaptive re-use of existing structures where feasible.
- Recommends that development meeting LEED or equivalent certification of any level obtain as many points as possible from approaches that reduce carbon emissions, including:
 - Site and building design and orientation that takes advantage of passive solar heating and lighting opportunities, maximizes potential for use of renewable solar energy systems, and permits passive cooling through proper shading and ventilation.
 - A commitment to reduce energy and water consumption.
 - A commitment to use recycled building materials, locally produced materials, and local labor.
 - A commitment to use building deconstruction techniques to facilitate re-use and/or recycling of building materials.
 - A commitment that new buildings meet the minimum energy efficiency standards of 17.5 percent below the calculated baseline performance or meet the appropriate ASHRAE advanced energy design guide. Renovated buildings should commit to meet a 10.5 percent energy efficiency standard below the calculated baseline performance or meet the appropriate ASHRAE advanced energy design guide.
 - Incorporates renewable energy systems to supply a portion of a building's energy needs, where feasible. Such systems may include:
 - solar power
 - wind power
 - geothermal heating and cooling systems.
- Recommends maximizing tree canopy coverage. (See goals for tree canopy coverage in the water quality section).
- Recommends the use of green roofs and walls.
- Recommends the use of light-reflecting roof surfaces where green roofs cannot be used.
- Recommends increasing vegetation throughout the Life Sciences Center. Approaches include:
 - Targeting unforested portions of regulated areas for reforestation.
 - Incorporating street trees and landscaping trees throughout the Life Sciences Center.
 - Use of vegetated roofs and walls.
 - Use of planter beds, bioswales and rain gardens.
 - Incorporating vegetation into hardscaped open space areas.

Protection of Biological Diversity

Protection of biological diversity focuses on preserving existing habitat, and on restoring habitat where feasible. Biological diversity is maintained when habitat is protected and invasive species are controlled. Control of invasive species and reducing wildlife overpopulations are operational issues not appropriate to address in a master plan. While an urban environment cannot typically support highly diverse plant and wildlife populations, much can be done to improve conditions for native plants and animals.

To protect biological diversity, the Plan:

- recommends preservation of existing natural areas, including the forest at the corner of Key West Avenue and Great Seneca Highway
- recommends the use of native plants and trees in landscaping and street tree planting to the maximum extent possible

LSC South: Mixed-Use Center

This 245-acre district south of Darnestown Road includes the Traville community's retail and residential uses, Human Genome Sciences (HGS), and the Universities at Shady Grove, an innovative academic center that is part of the University System of Maryland.

LSC South is in the Watts Branch Watershed and is part of the Piney Branch sub-watershed, which was designated a Special Protection Area (SPA) due to its fragile ecosystem, unusually good water quality, and susceptibility to development pressures. SPAs require approval of a water quality plan demonstrating a high level of stormwater control and treatment. Accordingly, this Plan recommends minimal additional development.

The retail and residential developments at Traville are built-out, with approximately 100,000 square feet of retail and 750 dwelling units, 230 of which are senior housing. The HGS site is approximately half built-out. The Universities at Shady Grove have produced a master land use plan for their site, which is approximately half built-out.

This Plan recommends that the 5.2-acre property on the southeast corner of Darnestown Road and Travilah Road be rezoned from C-4 to CR 0.75: C 0.5, R 0.75, H 80 to allow the possibility of mixed-use or residential development at this corner.

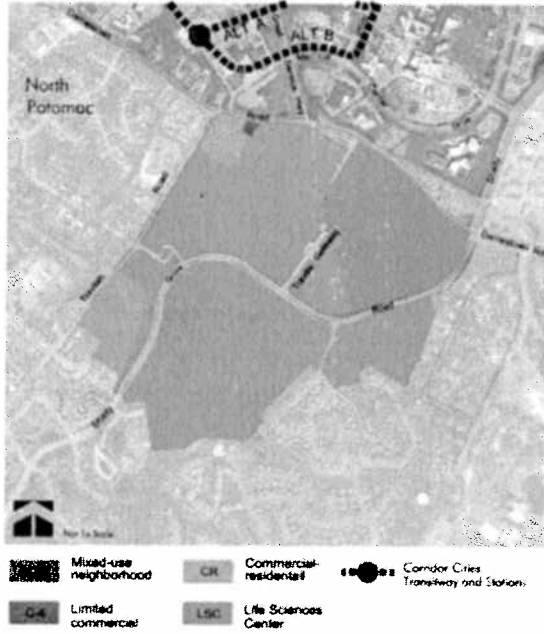
Only the 13-acre Rickman property on Travilah Road is undeveloped. The Plan recommends the Rickman property be rezoned from the R&D Zone to CR 0.5: C 0.5, R 0.5, H 80. The CR Zone has a height limit of 40 feet for standard method development. However, a maximum height of 80 feet on this property could be considered to minimize imperviousness and encourage compact development, which may include parking underneath buildings (ground-level). The Rickman property is not subject to the Staging requirements.

The Piney Branch SPA bisects the Rickman Property. A key to protecting water quality in the SPA is limiting impervious surfaces. Development within this SPA requires a water quality plan that details how stormwater runoff will be managed to prevent further degradation to water quality in the SPA. The water quality plan is prepared by the developer and reviewed and approved during the development review process. Guidelines for the development of the Rickman property are provided below. In addition, a population of state endangered *Krigia dandelion* is located east of the property along Shady Grove Road. The road was specifically aligned to avoid disturbance of this plant. Further development in this area should avoid disturbance of this population and provide a buffer area from new uses.

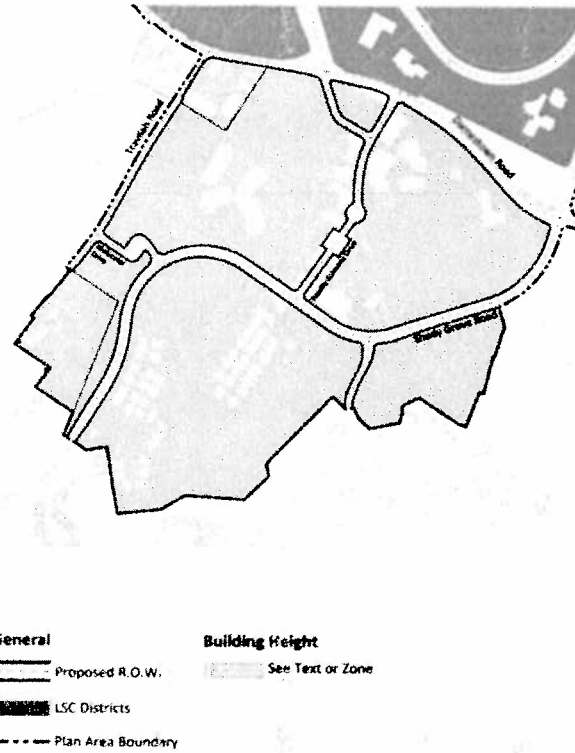
This Plan encourages the physical and visual integration of LSC South with the areas north of Darnestown Road, through building design and massing, street character and improved connections across Darnestown Road, and access to the CCT stations at LSC Central and West. These stations are between one-half to three-quarters of a mile (a 10-15 minute walk) from LSC South destinations. With higher density development around the CCT stations, the transit locations will become more visible and recognizable as landmark features.

HGS and USG, along the south side of Darnestown Road, have developed as campus-style, inward-focused designs with parking lots adjacent to Darnestown Road. Future development at these sites should create a building edge along Darnestown Road near Great Seneca Highway. On the north side of Darnestown Road, redevelopment of the PSTA site will also create opportunities for new buildings to address the street edge, especially the corner of Darnestown Road and Great Seneca Highway.

map 25 LSC South: Proposed Zoning

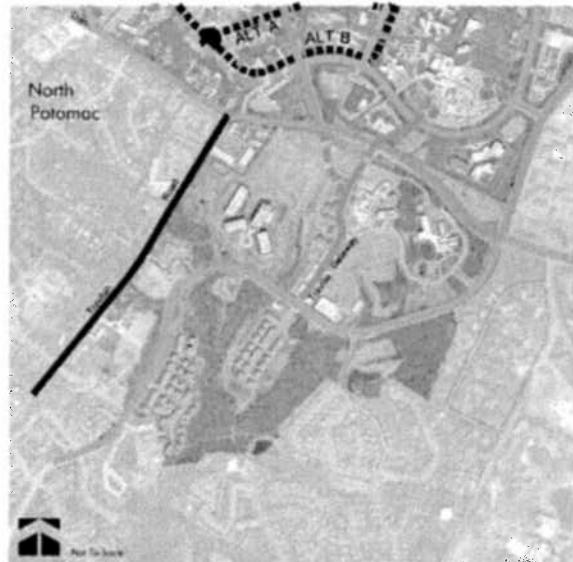


map 26 LSC South: Urban Form

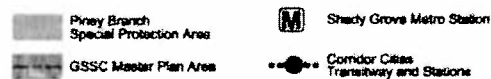
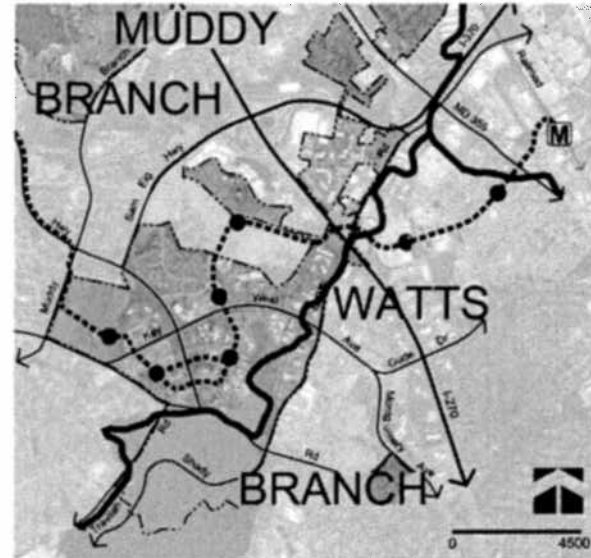


Extending Great Seneca Highway as a local business district street south of Darnestown Road provides an additional, signalized access point for LSC South. This proposed improvement should be coordinated with HGS's and USG's future plans, including their internal street network. A major benefit of improving the intersection of Great Seneca Highway and Darnestown Road would be to provide direct access, particularly for pedestrians and bicyclists, between LSC South and the proposed CCT station at LSC West.

map 27 LSC South: Mobility



map 28 Watersheds



Recommendations

- Rezone the Rickman site to CR 0.5: C 0.5, R 0.5, H 80. Development of the property must address the following guidelines.
 - Minimize impacts to the SPA by orienting buildings and parking nearer Travilah Road, outside the SPA boundary to the extent feasible.
 - Ensure proper sediment control during construction.
 - Consider parking underneath buildings (ground-level), compact development design, and other techniques to minimize impervious surfaces.
 - Consider placing recreation facilities that are not noise-sensitive closer to Shady Grove Road.
 - Consider meeting afforestation requirements in the area adjacent to the existing protective strip along Shady Grove Road to enhance protection of the *Krigia dandelion* population.
- Rezone the property at the southeast corner of Darnestown Road and Travilah Road from the C-4 Zone to CR 0.75: C 0.5, R 0.75, H 80.
- Protect the Piney Branch sub-watershed and support the SPA by limiting development in LSC South beyond existing and approved projects to only the undeveloped Rickman parcels on Travilah Road.
- Extend Great Seneca Highway as a business district street south of Darnestown Road.
- Improve pedestrian connections between LSC South and areas to the north—LSC West and LSC Central—emphasizing pedestrian access to the future transit stations.
- Construct Traville Local Park and provide connections to the LSC Loop.

Staging

Master plan staging addresses the timing of development and the provision of key public facilities. Staging assures sufficient capacity for the next phase of growth, provides essential place-making facilities, helps achieve a desired form of development, as well as necessary connections for efficient mobility within and around an area. Experience shows that all density allowed by zoning is rarely built and certainly not all at once. Market absorption rates are one limiting factor. Realizing the vision in this Plan will take time; its implementation should be monitored to evaluate how development is achieving the vision.

The Annual Growth Policy (AGP) is used to establish the policies and procedures for administration of the Adequate Public Facilities Ordinance (APFO). The LSC is in the R&D Village policy area, where the AGP indicates that, by suburban standards, area roads are congested and certain school clusters are overcrowded. Any new development will need to mitigate a percentage of its impact before it can move forward. The goal of the APFO is to ensure that transportation and school facilities have sufficient capacity for the Planning Board to approve specific development projects.

In addition to the APFO standards, this Plan recommends staging to ensure that infrastructure, particularly the CCT, is in place before development is allowed to proceed. Staging is applied to all five LSC districts with the exception of the Rickman property in LSC South. Each development stage will be initiated when all of the triggers for that stage are met. After a stage has been triggered, individual properties can proceed with Preliminary Plan approval.

The CCT is the centerpiece of the Plan's vision for the LSC. The Plan promotes transit-oriented development by concentrating higher density uses near future CCT stations. Staging principles seek to prevent the construction of low intensity uses at transit stations that could preclude or delay the recommended higher intensity uses. To achieve the vision, a mix of uses, particularly at transit stations, should be part of new development and redevelopment to enliven these areas, increase and encourage transit use, and help create a more dynamic Life Sciences Center.

The Plan provides stages and amounts of development that are tied to the CCT's funding, construction, and operation to ensure that transit is available as development proceeds. Relocation of the PSTA from the LSC West District is a part of staging to ensure that the alignment through the LSC can be achieved and to provide new housing with increases in jobs. Staging also requires that the non-driver mode share be documented and that increases be achieved over time, a goal that results in reduced traffic congestion and increased transit use. Public institutions are not subject to staging because these projects are reviewed as mandatory referrals.

Staging Requirements

In 2010, the LSC contains 7 million square feet of commercial development. Approximately 3.7 million square feet of commercial (non-residential) development has been approved but is not yet built in the five LSC districts. The total existing and approved commercial development in all five LSC districts is 10.7 million square feet. The total existing and approved dwelling units in the LSC area is 3,300.

This Plan recommends that the staging plan and its requirements be applied to all five LSC districts except the Rickman property in LSC South. The 3.7 million square feet of development in the pipeline is not subject to the Plan's staging requirements unless a project's Preliminary Plan expires. The owner of a property approved for commercial development may re-subdivide and convert to residential development and still be exempt from staging, provided that the change in development will not increase the number of vehicle trips. This may require an administrative adjustment in the number of approved jobs and housing units exempt from staging. If a Preliminary Plan expires, the development capacity associated with it becomes available to all eligible applicants. This released capacity would

28318 753

MONTGOMERY COUNTY, MD

APPROVED BY *[Signature]*

SEP 21 2004

TAX ID Nos.: 04-03235843
04-00049962
04-00049938
04-00052696
04-00050904
04-00049940
04-00049951
04-03235912

DEED OF EASEMENTS

\$ *[Signature]* RECORDATION TAX PAID
\$ *[Signature]* TRANSFER TAX PAID

This Deed of Easements ("Deed") is made as of the 29th day of January, 2004, by and between TRAVILLE OWNERS ASSOCIATION, LLC, a Maryland limited liability company ("Grantor"), and RICKMAN TRAVILAH, LLC, a Maryland limited liability company, RICKMAN TRAVILAH II, LLC, a Maryland limited liability company, and RICKMAN TRAVILAH III, LLC, a Maryland limited liability company (collectively, the "Grantee").

RECITALS:

A. Grantor is the fee owner of a parcel of land on Shady Grove Road, Montgomery County, Maryland, which is part of a planned mixed-use development known as "Traville", and is more particularly described in the legal description attached hereto and made a part hereof as Exhibit "A" ("Traville Parcel").

B. A portion of the Traville Parcel has been designated as an Endangered Species Protection Area ("Protection Area") as more fully described in Recital G set forth below.

C. Grantee is the fee owner of a parcel of land on Travilah Road, Montgomery County, Maryland, located adjacent to the Traville Parcel and more particularly described in the legal description attached hereto and made part hereof as Exhibit "B" ("Rickman Parcel").

D. Grantor is the fee owner of another parcel of land on Shady Grove Road, Montgomery County, Maryland, which also is part of Traville and is located adjacent and to the

IMP FD SURE 20.00
RECORDING FEE 75.00
TOTAL 95.00
REF # 58972
MOR CHG BIK # 6875
Sep 21 2004 01:27 PM

RETURN TO:
LYNOTT & LYNOTT, PA
11 N. WASHINGTON ST. #220
ROCKVILLE, MD 20850

L&B 355782v4/03159.0088

FILED
MOLLY O. RUHL
CLERK'S OFFICE
MONTGOMERY CO. MD

2004 SEP 21 P 1:30

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[Signature]

north of the Traville Parcel and the Rickman Parcel, and is more particularly described in the legal description attached hereto and made part hereof as Exhibit "C" ("Willco Parcel").

E. Grantor, at Grantee's request, has agreed to grant perpetual and exclusive easements to Grantee on, under and across the two portions of the Traville Parcel referenced in Recital F below, for selective clearing, grading, landscaping, signage, entranceways, utilities, including water and sewer, perimeter fencing/walls around the Protection Area, drainage and related facilities and appurtenances and for vehicular and pedestrian ingress and egress to and from Shady Grove Road exclusively for the benefit of the Rickman Parcel, upon the terms and conditions hereinafter set forth (collectively, the "Easements").

F. The Easements are located within the two portions of the Traville Parcel which adjoin the Protection Area and are designated as "Part One" and "Part Two" as more particularly shown and described on the plat and legal descriptions attached hereto and made a part hereof as Exhibit "D".

G. The Protection Area, located between said Parts One and Two, also is shown and more particularly described in Exhibit "D" hereto.

H. In order to set forth their understandings in writing with respect to the foregoing and other matters set forth herein below, the parties are entering into and delivering this Deed.

NOW, THEREFORE, in consideration of the foregoing Recitals, each of which shall be deemed a part of this Deed, and for other good and valuable consideration, receipt and sufficiency of which each of the parties hereto does hereby acknowledge from the other, the parties hereto do hereby agree and covenant as follows:

1. (a) Grantor hereby grants the Easements to Grantee perpetually and exclusively for the benefit of the Rickman Parcel (i) for purposes of selective clearing, grading, landscaping, signage, entranceways, utilities, including water and sewer, perimeter fencing/walls around the Protection Area, drainage and related facilities and appurtenances (collectively, "Landscaping") and (ii) for purposes of a single vehicular and pedestrian access to and from the Rickman Parcel and Shady Grove Road on a "right turn in and right turn out" basis only, to be located on either of said Parts One or Two of the Traville Parcel (but not both) at the election of Grantee (the "Access Way"). The use and enjoyment of the Easements shall include the necessary rights of installation, repair, operation, maintenance and replacement.

(b) If the Grantee desires that the Access Way have full turning movements, rather than be on a "right turn in and right turn out" basis, then Grantee may seek to do so subject to (i) the terms and provisions of this Deed, (ii) not materially and adversely affecting the Site Plan for the Willco Parcel (including the location and operation of proposed Molecular Drive as having full intersection turning movements with a median break), and (iii) not sooner than five (5) years after date Molecular Drive is initially installed and in operation.

2. Grantee, for itself and its successors and assigns, including successor owners of the Rickman Parcel, hereby covenants with Grantor that Grantee will not, directly or indirectly, seek to obtain access through the Willco Parcel to Shady Grove Road or oppose (or support the opposition of) the development of the Willco Parcel, including, without limitation, approval of or

modifications of any site plan or other land use applications and any other plans, plats, permits, licenses and approvals applicable to or sought by Grantor, Willco or any other party in connection with development and use of the Willco Parcel or any other part of Traville.

3. Grantee covenants to and with Grantor as follows: (i) that the Easements shall be used solely at the risk and expense of Grantee for the purposes permitted by this Deed; (ii) upon commencing construction of any work within the Easements, Grantee shall diligently and continuously prosecute the work to completion in good and workmanlike manner; (iii) the use and operation of the Easements and all work therein (including, without limitation, installation of the Access Way and any perimeter fencing/walls around the Protection Area) shall at all times be in accordance with (A) impervious limitations set forth in Paragraph 4 below and shall not cause the ability of Grantor (or its successors or any other owner or occupant at Traville), to develop and use the remainder of the Traville to be limited or otherwise adversely affected or made more costly; and (B) all applicable laws and governmental permits, rules, regulations, requirements and agreements, as amended from time to time, including, without limitation, those relating to land use, traffic mitigation, environmental protection, pollution control, and air and water quality.

4. The impervious areas within the Easements shall not exceed 4,000 square feet, cumulatively.

5. If, within three (3) years from the date of this Deed, Grantee at its cost causes the applicable governmental authorities to agree in a legally binding agreement that the dimensions of the Protection Area are less than those shown on Exhibit "D" hereto, then, provided such authorities do not prohibit or object to the following, the portions of the Traville Parcel which are consequently no longer deemed within the Protection Area shall be added to and form part of the

area of the Easements, and Grantor will execute such reasonable confirmatory instruments as Grantee may request to further evidence same.

6. If, within three (3) years from the date of this Deed, Grantee at its cost causes the applicable governmental authorities to agree in a legally binding agreement that the Traville Parcel legally may be conveyed to Grantee in fee (except the Protection Area which Grantor may elect to convey to The Traville Conservancy, Inc.) and, upon such conveyance, Grantor, The Traville Conservancy, Inc. and any other owners of Traville shall have no further liability for the Traville Parcel (excluding the Protection Area if Grantee chooses not to take fee title thereto) and that ownership, development and use of the balance of Traville will not be adversely affected by such legally permitted conveyance, then upon Grantee's request and at Grantee's cost, Grantor will convey the fee to the Traville Parcel to Grantee without additional consideration.

7. (a) Prior to commencing any work or installation of any improvements permitted within the Easements, Grantee shall submit to Grantor written proof reasonably satisfactory to Grantor that (i) the applicable governmental authorities and agencies have issued the requisite permits and approved the plans and specifications for such improvements and Landscaping ("Grantee's Approvals and Permits") and (ii) that any such work or improvements and/or the issuance of Grantee's Approvals and Permits do not have a material adverse effect upon Traville, including, without limitation, the imposition of any conditions upon or increased costs relating to development or use of Traville.

(b) Grantee, its successors and assigns, shall have the right to allow the Easements to be used for the benefit of land in addition to the Rickman Parcel, provided (i) such additional land is located adjacent to the Rickman Parcel and (ii) such use shall be subject to all

of the terms and provisions of this Deed applicable to the Rickman Parcel and Grantee's use of the Easements.

(c) Grantee shall be responsible to maintain in good condition and repair, including replacements, free from ice, snow and debris, and in good appearance and in accordance with applicable laws, ordinances, rules and regulations, the paved and improved Access Way and any landscaping or other work or improvements installed by Grantee within the Easements.

(d) If Grantee defaults in performing its obligations under this Paragraph 7, then Grantor shall have the right to cure such default, in which event the Grantor shall have a right of entry on the Easements as may be necessary in connection with the curing of any such default. In any such case, the cost of curing such default shall be immediately due and payable by the Grantee to the Grantor, with interest at the rate of ten percent (10%) per annum.

8. The Easements shall be conveyed and accepted "AS IS" without warranties or representations by Grantor, free of liens, but subject to applicable laws, rules, ordinances and regulations and to all matters of record or which an accurate survey or personal inspection would reveal.

9. The Grantor agrees to pay, or cause to be paid, all real estate taxes, charges, assessments and other impositions (collectively, "Taxes") that may be imposed upon or levied against the Traville Parcel and further agrees to deliver to the Grantee upon request evidence of payment of all such charges. Upon request, Grantee shall reimburse Grantor for the amount of the Taxes paid by Grantor for the periods on and after July 1, 2004. If Grantee fails to make reimbursement to Grantor within thirty (30) days after demand, the amount overdue shall bear interest at the rate of ten percent (10%) per annum. In the event the Grantor shall fail to make

such payments of Taxes prior to the time that the Traville Parcel becomes subject to forfeiture for the nonpayment thereof, the Grantee shall be entitled to make such payments (including penalties and interest) on behalf of the Grantor, which sums when paid by the Grantee, shall be immediately reimbursed by the Grantor along with interest at the rate of ten percent (10%) per annum.

10. (a) Grantee specifically acknowledges that the Protection Area is located adjacent to the Easements for the benefit of Montgomery County (and possibly others). Grantee also acknowledges that all of Traville, including the Traville Parcel, is located within a Special Protection Area established by the applicable governmental authorities. Grantee covenants not to encroach upon or otherwise violate or damage the areas within the Protection Area.

(b) Grantee acknowledges notice that Grantor may convey the Traville Parcel to The Traville Conservancy, Inc., subject to the terms and provisions of the Easements and this Deed, including Grantee's right to acquire the fee to the Traville Parcel under Paragraph 6 above.

(c) Grantor may elect (i) to formally subdivide the Traville Parcel or (ii) if requested by any governmental authority, to record a formal easement or covenant for the Protection Area, in either or both of which events Grantee shall cooperate in connection therewith and execute or consent in writing to the easement, covenant or plat of subdivision if legally required.

11. (a) Grantee agrees to indemnify and hold Grantor, its successors and assigns, harmless from any and all liability, claims, suits, losses or damages, including attorneys' fees and litigation costs (collectively, "Claims") arising out of or in any way connected with the exercise of Grantee's rights within the Easements or any and all other occurrences, conduct or activity of the Grantee, its agents, tenants, employees and contractors, in and upon the Easements,

including, without limitation, a breach of Grantee's covenants in Paragraph 10 above with respect to the Protection Area.

(b) At all times, Grantee shall maintain comprehensive general liability insurance with a well-rated insurer in an amount reasonably satisfactory to Grantor protecting Grantor, its successors or assigns, against the Claims and naming Grantor as an additional insured thereunder.

12. (a) The Easements, including the Access Way, shall be exclusive to Grantee, subject to the rights reserved by Grantor as set forth below.

(b) Grantor reserves (i) the right for the benefit of Traville to count as green or open space the areas within the Traville Parcel and (ii) a right of entry upon and use of the areas within the Easements, exercisable in a reasonable manner to minimize interference with use of the Access Way, in order to satisfy or perform any requirements arising out of or related to the land use approvals and related agreements for Traville, including, without limitation, those pertaining to transportation mitigation, bus service, water quality monitoring, environmental matters, including, without limitation, caring for the Protection Area and installing bus stops and shelters; provided, however, if Grantee acquires the fee to the Traville Parcel (excluding the Protection Area) pursuant to Paragraph 6 above and the applicable governmental authorities do not require the areas thereof to be counted as green or open space for Traville (i.e., Traville has a legally sufficient amount of green or open space without counting such areas conveyed in fee to Grantee and no part of Traville will be deemed "non-conforming" or in violation of any land use or other law or regulation if Grantee counts such areas as its open or green space), then, provided "Sell Out" (as defined in subsection (c) next following) has occurred, Grantee may count such

areas as open or green space for the benefit of the Rickman Parcel and/or land adjacent thereto which the Easements may benefit.

(c) At any time prior to the earlier of (i) "Sell Out" (hereinafter defined) or (ii) the expiration of ten (10) years from the date of this Deed, Grantor may grant or cause to be granted to its affiliates or designees, including to any utility company or governmental authority, such easements (e.g, sidewalks, pathways, bus stops and shelters) on, under, over, or across the Traville Parcel as may be reasonably required in connection with the development or use of any portion of Traville. No such rights-of-way and easements shall materially and adversely affect installation, use or operation of the Access Way. "Sell Out" means the sale or development and buildout of all of the land at Traville which is developable as shown on the Traville Diagrammatic Plan (as amended) on file with Montgomery County.

13. All notices and other communications under this Deed shall be in writing and shall be deemed duly given if (i) personally delivered, with signed receipt, (ii) sent by reputable commercial overnight delivery service, with signed receipt, (iii) mailed by certified mail, return receipt requested, first class, postage prepaid; or (iv) sent by telefax with evidence of transmission and receipt; if to Grantor, to Travilah Park Development Corporation, Attention: Jonathan M. Genn, Esquire, Percontee, Inc., 11900 Tech Road, Montgomery Industrial Park, Silver Spring, Maryland 20904, Telefax: 301-622-3507, with a copy to Andrew L. Isaacson, Esquire, Linowes and Blocher LLP, 7200 Wisconsin Avenue, Suite 800, Bethesda, Maryland 20814-4842, Telefax: 301-654-2801; and if to Grantee, to 15215 Shady Grove Road, #201, Rockville, Maryland 20850, Attention: William Rickman, Fax: 301-840-5992, Phone: 301-840-2011, with copies to Joseph A. Lynott, Esquire, 11 North Washington Street, Rockville,

Maryland 20850-4208, Fax: 301-279-0346, Phone: 301-424-5100. Each party shall be responsible for notifying the other of any change of address or telefax number.

14. (a) Each party represents and warrants to the other that each of the following is true and correct:

(i) It has full power and authority to enter into and consummate the transaction described in this Deed.

(ii) Neither the entering into nor the consummation of the transactions described in this Deed will constitute or result in a violation or breach by it of any judgment, order, writ, injunction or decree issued against or imposed upon it or any agreement to which it is a party or by which it is bound.

(iii) The person executing this Deed on its behalf has full authority to do so and to bind it in accordance with its terms, without obtaining any further approvals or consents.

(b) The obligations of any party hereunder shall apply only with respect to the period during which such party is the owner of a fee simple interest in its parcel of land, namely, the Traville Parcel or the Rickman Parcel, as the case may be, with respect to which such obligations apply. When such party ceases to own a fee simple interest therein, the obligations thereafter accruing shall be the obligations of its successor-in-ownership and interest.

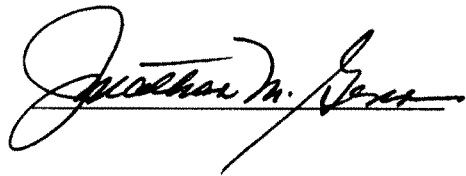
15. Notwithstanding any failure to so provide, expressly, any provisions of this Deed which, by its terms, may require performance subsequent to closing and delivery of any deeds hereunder shall survive such closing and delivery. Titles or captions (if any) to paragraphs are for convenience only and shall be given no legal effect or significance. This Deed may be executed in any number of counterparts, each of which shall be deemed an original, but all of

which shall constitute one and the same instrument. The text of this Deed shall govern if inconsistent with the Recitals. The terms, conditions and provisions of this Deed shall be deemed covenants running with the land and except as may otherwise hereinabove specifically set forth, shall be binding upon and inure to the benefit of the respective heirs, personal representatives, successors and assigns of the parties hereto duly authorized invitees, tenants, or licensees of any of the foregoing (provided that all such invitees, tenants and licensees shall have no greater rights than are specifically granted herein). The rights of Grantor under this Deed shall not be extinguished and shall survive the acquisition by Grantee of fee title to the Traville Parcel. If any term, covenant or condition of this Deed or the application thereof to any person or circumstances shall be invalid or unenforceable, the remainder of this Deed, or the application of such term or provisions to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby, and each term shall be valid and enforceable to the fullest extent permitted by law. Modifications, waivers and consents respecting this Deed shall only be binding if in writing and signed by the party against whom such modifications, waivers or consents are sought to be enforced. This Deed shall be governed by the laws of Maryland.

16. If the rule against perpetuities or any other rule of law would invalidate this Deed or any portion hereof or would limit the time during which this entire Deed or any portion hereof shall be effective due to the potential failure of any interest in property created herein to vest within a particular time then each such interest in property shall be effective only from the date hereof until the passing of twenty-one (21) years after the death of the last survivor of the members of the Senate of the United States of America representing the State of Maryland who are serving on the date hereof, but each such interest in property shall be extinguished after such

time, and all other interests in property created herein and all other provisions hereof shall remain valid and effective without modification.

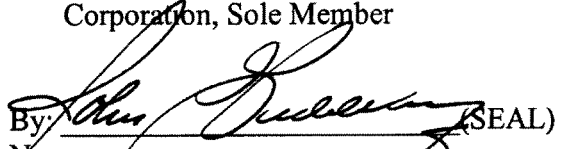
WITNESS:



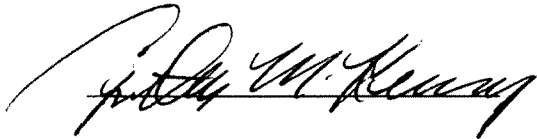
GRANTOR:

TRAVILLE OWNERS ASSOCIATION,
LLC

By: Travilah Park Development
Corporation, Sole Member

By:  (SEAL)
Name: John Gudelsky
Title: President

WITNESS:

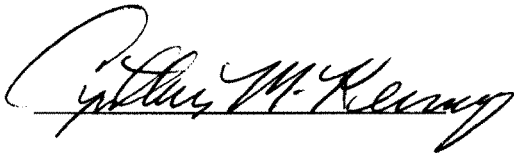


GRANTEE:

RICKMAN TRAVILAH, LLC,
a Maryland limited liability company


By:  (SEAL)
William M. Rickman, Managing Member

WITNESS:

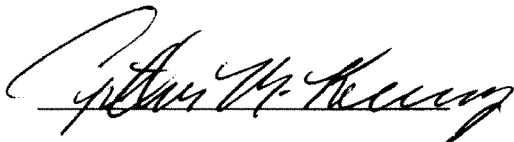


GRANTEE:

RICKMAN TRAVILAH II, LLC,
a Maryland limited liability company


By:  (SEAL)
William M. Rickman, Managing Member

WITNESS:



GRANTEE:

RICKMAN TRAVILAH III, LLC,
a Maryland limited liability company

By:  (SEAL)
William M. Rickman, Managing Member

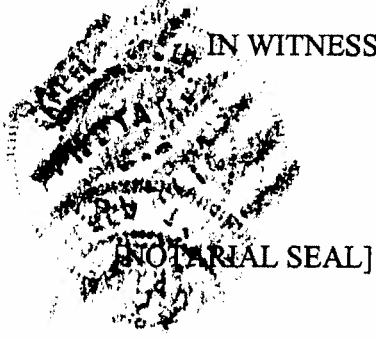
MONTGOMERY COUNTY COURT (Land Records) MQR 28318, p. 0765, MSA_CE63_28272. Date available 09/27/2004. Printed 09/01/2010.

STATE OF MARYLAND)
)
COUNTY OF MONTGOMERY) to wit:

I HEREBY CERTIFY that on this 17th day of August, 2004, before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared John Gudolucky, known to me (or satisfactorily proven) to be the President of Travilah Park Development Corporation, the Sole Member of TRAVILLE OWNERS ASSOCIATION, LLC, a Maryland limited liability company, and that such corporate officer, being authorized to do so, executed the foregoing and annexed instrument for the purposes therein contained by signing the name of the said corporation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Samuel Yedlin
Notary Public Samuel Yedlin
My Commission Expires: 01/01/06

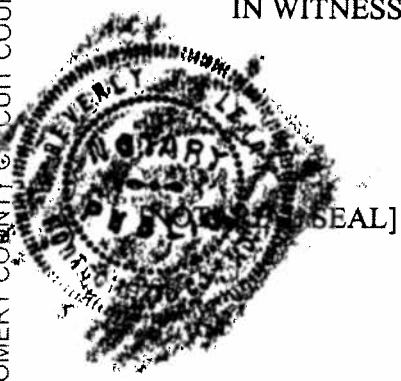


STATE OF MARYLAND)
)
COUNTY OF MONTGOMERY) to wit:

I HEREBY CERTIFY that on this 3RD day of SEPTEMBER, 2004, before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared WILLIAM M RICKMAN known to me (or satisfactorily proven) to be the Managing Member of RICKMAN TRAVILAH, LLC, a Maryland limited liability company, and that such corporate officer, being authorized to do so, executed the foregoing and annexed instrument for the purposes therein contained by signing the name of the said corporation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Beverly J. Leary
Notary Public
My Commission Expires: 9/1/05



STATE OF MARYLAND)
)
COUNTY OF MONTGOMERY) to wit:

I HEREBY CERTIFY that on this 3RD day of SEPTEMBER, 2004, before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared WILLIAM M RICKMAN known to me (or satisfactorily proven) to be the Managing Member of RICKMAN TRAVILAH II, LLC, a Maryland limited liability company, and that such corporate officer, being authorized to do so, executed the foregoing and annexed instrument for the purposes therein contained by signing the name of the said corporation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Beverly J Leary
Notary Public
My Commission Expires: 9/1/05

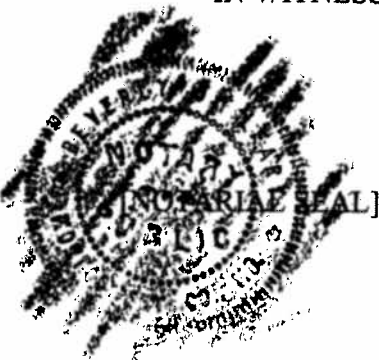


STATE OF MARYLAND)
)
COUNTY OF MONTGOMERY) to wit:

I HEREBY CERTIFY that on this 3RD day of SEPTEMBER, 2004, before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared WILLIAM M RICKMAN known to me (or satisfactorily proven) to be the Managing Member of RICKMAN TRAVILAH III, LLC, a Maryland limited liability company, and that such corporate officer, being authorized to do so, executed the foregoing and annexed instrument for the purposes therein contained by signing the name of the said corporation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Beverly J Leary
Notary Public
My Commission Expires: 9/1/05



28318 767

EXHIBIT "A"
(Traville Parcel)

Being all of the same land and premises conveyed to Traville Owners Association, LLC and described in the Deed recorded in Liber 16250, Folio 730 among the Land Records of Montgomery County, Maryland.

[NOTE: Not intending the include other parcels of land conveyed to Traville Owners Association, LLC by Deed recorded in Liber 16250, Folio 730 among the Land Records of Montgomery County, Maryland.]

28318 768

EXHIBIT "B"
(Rickman Parcel)

<u>OWNER</u>	<u>DEED REFERENCE</u>	<u>PROPERTY DESCRIPTION</u>	<u>ACCOUNT NUMBER</u>
Rickman Travilah, LLC	Liber 14977 at Folio 683 " "	Parcel N777 Parcel P834	00049962 00049938
Rickman Travilah II, LLC	Liber 15164 at Folio 236 Liber 16916 at Folio 489	Parcel P725 Parcel P671	00052696 00050904
Rickman Travilah III, LLC	Liber 15243 at Folio 164 " "	Parcel P679 Parcel P728	00049940 00049951

Exhibit "C"
(Willco Parcel)

Being a piece or parcel of land situate, lying, and being in the Rockville (4th) Election District of Montgomery County, Maryland and being part of the property described in EXHIBIT "P" of a deed dated September 24, 1998, conveyed by PERCONTEE, INC. to TRAVILLE OWNERS ASSOCIATION, LLC and recorded among the Land Records of said County in Liber 16250 at Folio 730, and being more particularly described as follows, in NAD 83/91 Datum:

Beginning for said piece or parcel of land at a point on the northerly or 1243.12 arc foot right of way line of Shady Grove Road (100' right of way), as shown on a street dedication plat entitled "SHADY GROVE ROAD, WILLOWS OF POTOMAC", recorded among said Land Records in Plat Book 184 as Plat 20402, said point also lying on the 709.87 arc foot deed line of the aforesaid EXHIBIT "P", 80.26 arc feet from the easterly end thereof, said point also being the beginning of the North 15°27'48" West, 287.31 foot plat line, as shown on a plat of subdivision entitled "PARCEL A & OUTLOT A, BLOCK A, TRAVILLE", recorded among said Land Records as Plat 21961, and running thence with said right of way line of Shady Grove Road and with part of said 709.87 foot deed line and the 106.93 arc foot deed line of said EXHIBIT "P", in the aforesaid datum

1. 736.54 feet along the arc of a curve deflecting to the left, having a radius of 700.00 feet and a chord of South 44°23'36" West, 703.03 feet to the beginning of the North 56°21'52" West, 33.73 foot deed line of said EXHIBIT "P"; thence leaving said right of way line of Shady Grove Road and running with the southwesterly limits of said conveyance, the following two (2) courses and distances
2. North 56°21'11" West, 396.70 feet to a point; thence

28318 770

3. North 56°40'01" West, 179.60 feet to a point in the centerline of Travilah Road, said point also being the beginning of the North 38°21'08" East, 292.58 foot deed line of said EXHIBIT "P"; thence running with said centerline, the following four (4) courses and distances
4. North 38°21'49" East, 292.58 feet to a point; thence
5. North 36°16'49" East, 99.77 feet to a point; thence
6. North 31°26'49" East, 99.77 feet to a point; thence
7. North 29°06'49" East, 304.81 feet to a point; thence leaving said centerline
8. South 55°27'31" East, 15.02 feet to a point; thence
9. North 29°41'09" East, 46.97 feet to the end of the North 60°18'51" West, 20.00 foot street dedication line as shown on the aforesaid Plat 21961 ; thence running so as to cross the property described in said EXHIBIT "P" with said 20.00 foot line and the southwesterly limits of Outlot A, Block A, Trville, as shown on said Plat, the following four (4) courses and distances
10. South 60°18'51" East, 20.00 feet to a point; thence
11. South 76°10'11" East, 140.98 feet to a point; thence
12. South 54°26'25" East, 325.29 feet to a point; thence
13. South 15°27'48" East, 287.31 feet to the point of beginning; containing 496,489 square feet or 11.3978 acres of land.

Subject to any and all easements, rights of way and covenants of record.

EXHIBIT "B"
 PROPERTY DESCRIPTION
 PART OF LIBER 16250 FOLIO 730
 TRAVILLE OWNERS ASSOCIATION, LLC

Being two (2) parcels of land, located in Election District No. 4 of Montgomery County, Maryland, hereinafter described in, through, over and across part of the property conveyed by Percontee, Inc. to Traville Owners Association, LLC, et al by deed dated September 14, 1998 and recorded among the Land Records of Montgomery County, Maryland in Liber 16250 at Folio 730 and being more particularly described by Macris, Hendricks & Glascock, P.A. in the Washington Suburban Sanitary Commission datum in two (2) parts as follows:

PART ONE:

Beginning at a point on the westerly right-of-way line of Shady Grove Road (100' R/W), said point also being the beginning of the first (1st) line of Exhibit "T" as described in the aforementioned conveyance, then binding with the first (1st), second (2nd) and part of the third (3rd) lines of said conveyance:

1. 98.50 feet along the arc of a curve deflecting to the left, having a radius of 700.00 feet and a chord bearing and length of South 10°12'27" West, 98.42 feet to a point of tangency, then
2. South 06°10'35" West, 100.00 feet to a point, then
3. 135.44 feet along the arc of a curve deflecting to the right, having a radius of 1145.16 feet and a chord bearing and length of South 09°33'52" West, 135.36 feet to a point, then leaving

said Shady Grove Road to cross and include part of the
aforesaid conveyance

4. North 77°02'51" West, 117.08 feet to a point, said point being on the seventh or North 22°59'27" East, 1237.11 foot line of the aforesaid Liber 16250 at Folio 730, 350.00 feet from the end thereof, then binding with the balance of said seventh (7th) line and the eighth (8th) line of said Exhibit "I"
5. North 22°59'27" East, 350.00 feet to a point, then
6. South 56°21'52" East, 33.73 feet to the point of beginning; containing 25,325 square feet or 0.58137 of an acre of land.

PART TWO

Beginning at a point on the westerly right-of-way line of Shady Grove Road (100' R/W) said point being at the beginning of the fifth (5th) line of Exhibit "I" as described in the aforesaid conveyance, then binding with part of said fifth (5th) line:

1. South 29°42'22" West, 6.98 feet to a point, then leaving said Shady Grove Road to cross and include part of said Liber 16250 at Folio 730
2. North 56°49'40" West, 70.02 feet to a point, said point being on the seventh (7th) line as described in the aforesaid Exhibit "I", 213.80 feet from the beginning thereof, then binding with said line
3. North 22°59'27" East, 180.00 feet to a point, then leaving said line to cross and include part of the aforesaid Exhibit "I"

- 4. South 56°49'40" East, 96.99 feet to a point, said point being on the
aforesaid right-of-way limits of Shady Grove Road, then
binding with said right-of-way
- 5. South 31°40'52" West, 170.26 feet to the point of beginning, containing
14,774 square feet or 0.33917 of an acre of land.

Parcel I.D. = 04-03235843

Certified correct to the best of our professional knowledge, information and belief. If the seal and signature are not violet colored, the document is a copy that should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.

Douglas H. Riggs III

Macris, Hendricks & Glascock, P.A.
Douglas H. Riggs, III, Professional Land Surveyor
Maryland Registration No. 10712



98-407
EA002DHR

28318 775

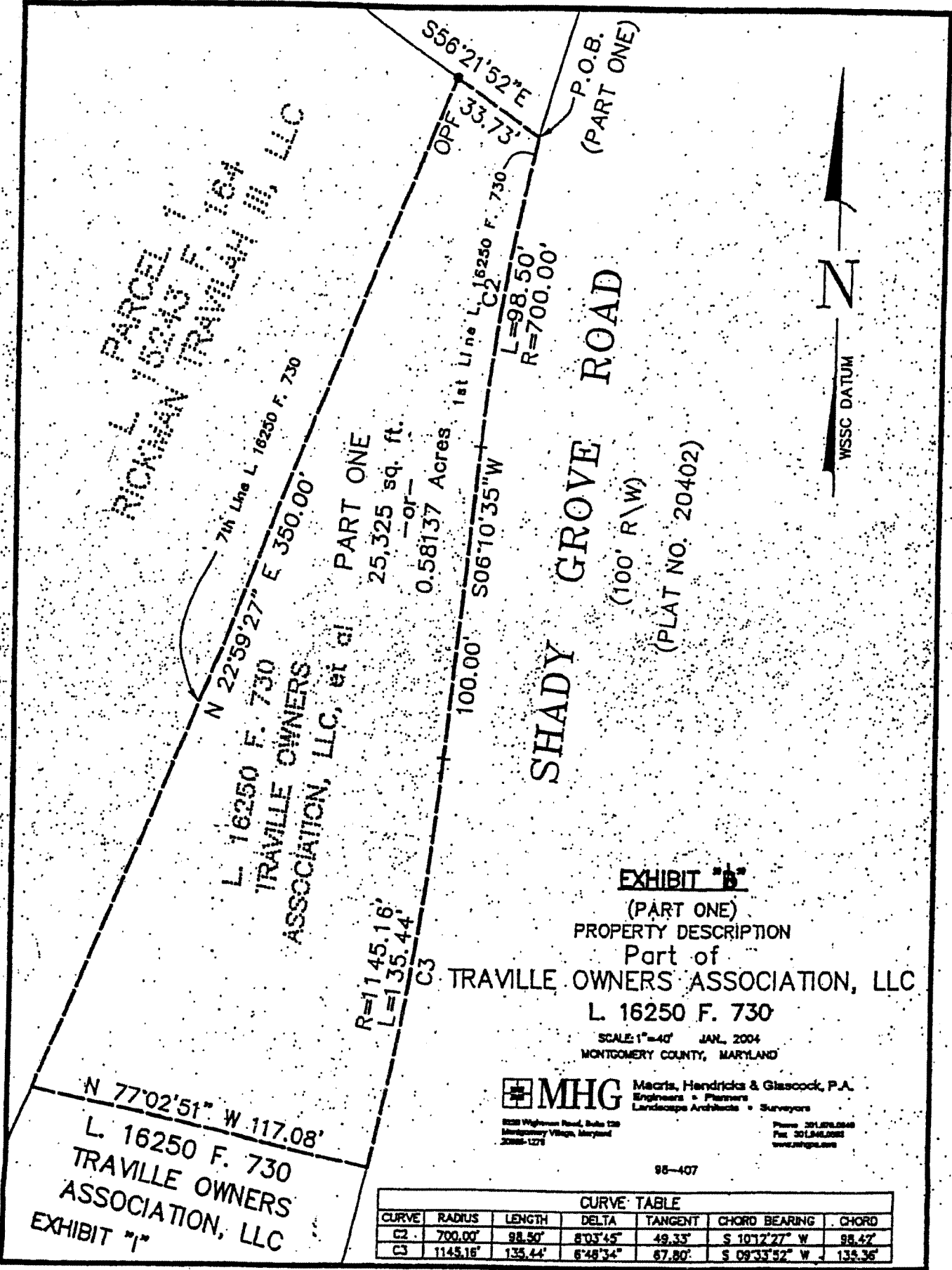


EXHIBIT "B"

(PART ONE)
 PROPERTY DESCRIPTION
 Part of
 TRAVILLE OWNERS ASSOCIATION, LLC
 L. 16250 F. 730

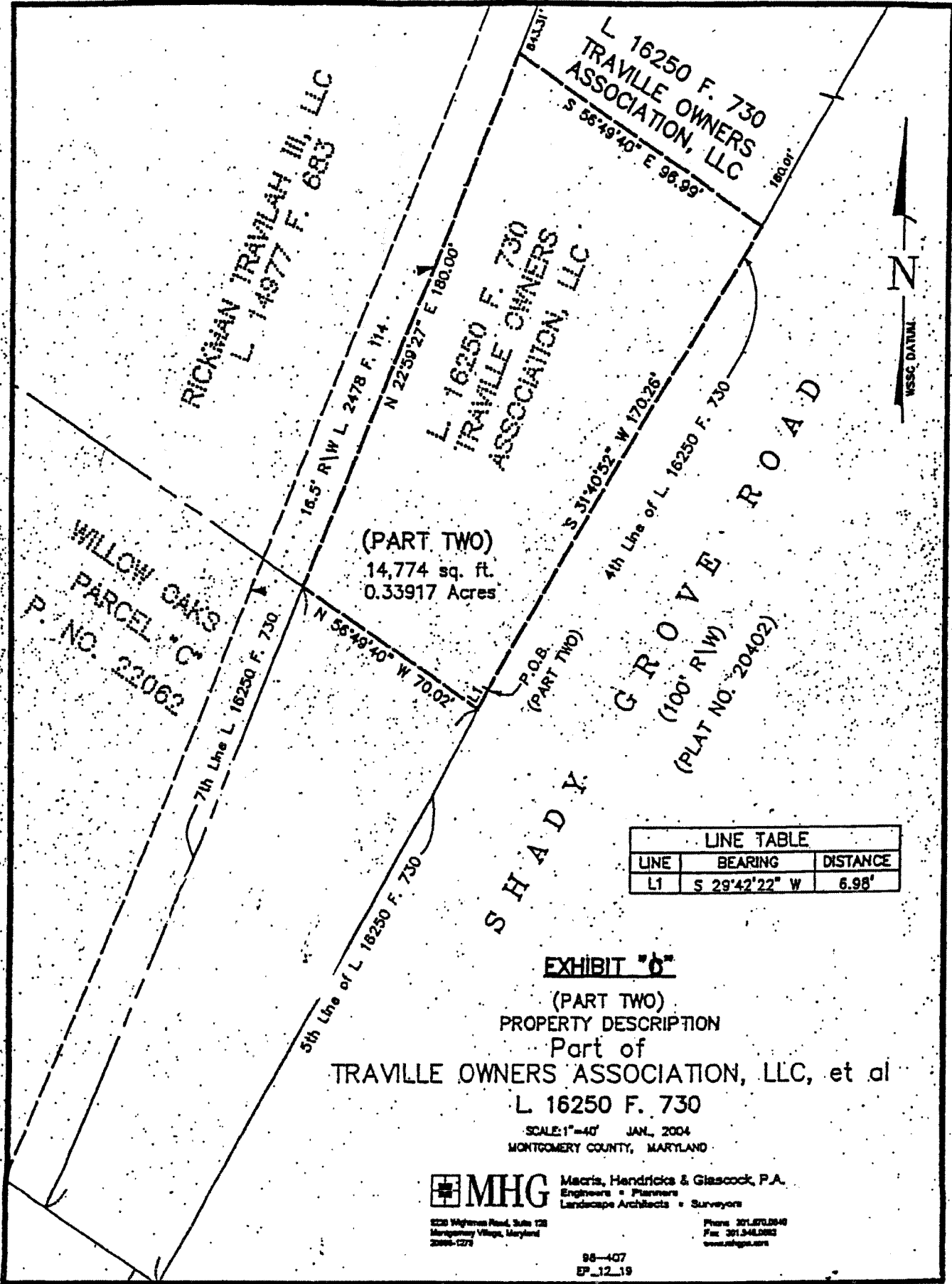
SCALE: 1"=40' JAN. 2004
 MONTGOMERY COUNTY, MARYLAND

MHG Meats, Hendrick & Glascock, P.A.
 Engineers • Planners
 Landscape Architects • Surveyors
 828 Highover Road, Suite 120
 Montgomery Village, Maryland
 20884-1571
 Phone 301.670.0040
 Fax 301.646.0081
 www.mhga.com

98-407

CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C2	700.00'	98.50'	8°03'45"	49.33'	S 10°12'27" W	98.47'
C3	1145.16'	135.44'	6°48'34"	67.80'	S 09°33'52" W	135.36'

N 77°02'51" W 117.08'
 L. 16250 F. 730
 TRAVILLE OWNERS
 ASSOCIATION, LLC
 EXHIBIT "I"



(PART TWO)
14,774 sq. ft.
0.33917 Acres

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 29°42'22" W	6.98'

EXHIBIT "B"
(PART TWO)
PROPERTY DESCRIPTION
Part of
TRAVILLE OWNERS ASSOCIATION, LLC, et al
L 16250 F. 730

SCALE: 1"=40' JAN., 2004
MONTGOMERY COUNTY, MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

520 Wyman Road, Suite 128
Montgomery Village, Maryland
20894-1274

Phone 301.670.0940
Fax 301.346.0882
www.mhga.com

EXHIBIT "D"

PROPERTY DESCRIPTION

Part of
TRAVILLE OWNERS ASSOCIATION, LLC, et al
L 16250 F. 730

SCALE: 1"=40' JAN, 2004
MONTGOMERY COUNTY, MARYLAND



Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

5220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-0272

Phone 201.279.0248
Fax 201.240.0282
www.mhga.com

95-407
EP_12_20



RICKMAN TRAVILAH III, LLC
L 14977 F. 683

PARCEL 1
L 15243 F. 164
RICKMAN TRAVILAH III, LLC

TRAVILLE OWNERS ASSOCIATION, LLC, et al
L 16250 F. 730

S-HADY GROVE ROAD
(100' R/W)
(PLAT NO. 20402)

PART ONE

PART TWO



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

September 19, 2012

Richard Y. Nelson, Jr.
Director

Ms. Lori Shirley
Area 2 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Travilah Grove
Preliminary Plan No. 120120290

Dear Ms. Shirley:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced revised preliminary plan. DHCA recommends Approval of the preliminary plan provided that the following issues (from DHCA's DRC comments) are addressed at site plan:

1. The distribution of the MPDUs among the buildings is not indicated at this stage. DHCA will need to approve the locations of the MPDUs. DHCA recommends that the MPDUs be distributed evenly among the buildings. If the MPDUs are not distributed evenly, the buildings with larger numbers of MPDUs will need to be built first in order to comply with MPDU staging requirements.
2. No bedroom proportions of the MPDUs to the market units are shown in the Development Data Table of the preliminary plan. This information will need to be provided at site plan, with a note stating that final MPDU and market rate unit locations and bedroom composition will be determined at certified site plan by agreement with DHCA.
3. The bedroom proportions of the MPDUs must match the bedroom proportions of the market rate units. If three-bedroom market units are included in the final bedroom mix, a proportional number of three-bedroom MPDUs must also be included.
4. Buildings over 4 stories tall are considered to be high rises under the MPDU law and executive regulations (Chapter 25A). The minimum sizes of MPDUs in high rises should be as follows: 0 BR=550 sq. ft.; 1 BR=575 sq. ft.; 2 BR=725 sq. ft.; 3 BR=875 sq. ft. At the discretion of the Department, the minimum size of any type of unit, by bedroom size, may be reduced to the minimum size of comparable market rate units of the same bedroom size.

Division of Housing

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



5. By certified site plan stage, DHCA will need to review schematic floor plans of the proposed residential buildings showing locations of MPDUs and market rate units on each floor, with a summary chart of location and bedroom composition of MPDUs and market rate units, as well as schematic floor plans (including dimensions and square footage) for each MPDU unit type. Please provide these as soon as they are available. The MPDUs should be distributed among the residential floors, and no more than 40 percent (40%) of the total units on any floor should be MPDUs.
6. DHCA reviews units for livability. Bedrooms in MPDUs are expected to have walls and doors, and the living/dining space is expected to be adequate to accommodate a dining room set and a sofa set appropriate to the number of occupants of the unit.

The applicant has agreed to address the above issues at site plan. Please let me know if you have any questions.

Sincerely,



Lisa S. Schwartz
Senior Planning Specialist

cc: Chanda S. Beaufort, Assistant Project Manager, LSA
Christopher J. Anderson, Manager, Single Family Housing Programs, DHCA



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

August 9, 2012

Mr. J. Dan Fryer, PE
Loiederman Soltesz Associates, Inc.
2 Research Place, Suite 100
Rockville, Maryland 20850

Re: Preliminary Water Quality Plan and
Stormwater Management Concept for
Travilah Grove
SM File #: 242811
Tract Size/Zone: 13.5 acres /CR
Watershed: Piney Branch/Watts Branch

SPECIAL PROTECTION AREA

Dear Mr. Fryer:

Based on a review by the Department of Permitting Services, the Preliminary Water Quality Plan (PWQP) and Stormwater Management Concept for the above mentioned site are conditionally approved. This approval is for the elements of the Preliminary Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The proposal is for multi-family residential (300 units) and 6000 square feet of commercial space along with parking and the associated infrastructure. The site is on 13.5 acres on Shady Grove Road just south of Molecular Drive. The majority of the site is located within Piney Branch Special Protection Area.

Stormwater Management: The stormwater management concept proposes to meet required stormwater management goals via installation of a combination of Micro-Bioretenion and Bio Swales.

Sediment Control: Redundant sediment controls are to be used throughout the site. The use of sediment traps with forebays that provide 125% of the normally required storage volume is acceptable for larger disturbed areas. Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance.

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

1. Minimize storm flow run off increases.
2. Minimize sediment loading and land disturbances with an emphasis on immediate stabilization.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
www.montgomerycountymd.gov

J. Dan Fryer
August 9, 2012
Page 2

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). Pre-construction monitoring is not required. The construction and post construction monitoring requirements and locations will be determined at the Final Water Quality Plan stage.

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

1. Surface storage volume is not permitted in the proposed bio-swales.
2. Identify areas on the site that have not been impacted by the previous use of the site and where groundwater recharge may be feasible. Provide a geotechnical report that addresses the feasibility of recharge/infiltration working in these areas and also the need to provide liners for the micro-bioretenion structures in the areas that required soil remediation.

The Preliminary Water Quality Plan 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 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:CN242811

cc: S. Finley (MNCPPC)
E. Naibert (MCDEP)
L. Galanko
SM File # 242811

ESD acres 13.5



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

**Attachment to the Preliminary Water Quality Plan for the Travilah Grove Project
Description of BMP Monitoring Requirements- DRAFT**

SM # 242811

Date: August 7, 2012

The purpose of this attachment is to add specificity to the standard monitoring requirements and procedures contained in the Best Management (BMP) monitoring protocols. Some supplemental QA/QC, data analysis, reporting, submission and record keeping tasks will be explained. Careful coordination between the applicant, monitoring consultant, DEP and DPS is required to produce meaningful data and results.

Consistent methods are to be used so results can be compared with other SPA BMP monitoring projects. Prior to initiation of monitoring, consultants must contact DEP and DPS to review monitoring locations, procedures, and requirements. Monitoring is to be completed according to DEP BMP Monitoring Protocols and/or methods and protocols approved by DEP. Some supplemental requirements are provided in this attachment. DEP BMP Monitoring protocols are available at the DEP website:

<http://www.montgomerycountymd.gov/content/dep/downloads/bmpprotocols.pdf>

Monitoring efforts and reports must employ scientific approaches in an attempt to determine effectiveness of BMPs and Environmental Site Design (ESD) at mitigating impacts associated with land development. Monitoring results and reports will demonstrate achievement of project performance goals. Thorough and careful analyses of data are required. Methods and assumptions should be detailed. Annual reports must adhere to the format and contain all required components in the order detailed in the SPA BMP Monitoring Report Checklist, also available online:

<http://www.montgomerycountymd.gov/content/dep/downloads/bmpchecklist.pdf>

Monitoring Requirements

1. BMP monitoring reports must include a table with dates of all major construction activities which take place on the site (groundbreaking, clearing, grading, sediment control construction, sediment control maintenance, BMP conversion, pond maintenance, etc.) and adhere to the SPA BMP monitoring report structure:

<http://www.montgomerycountymd.gov/content/dep/downloads/bmpchecklist.pdf>

2. There are no preconstruction monitoring requirements for the Travilah Grove project. Actual monitoring requirements and locations for during construction and post construction monitoring will be set during Final Water Quality Plan Approval.

A draft annual report on BMP monitoring is due to DEP no later than October 31st each year after the completion of construction. A final report is due annually no later than December 31. County code requires that reports be submitted quarterly. These quarterly reports may be incorporated in the annual report. This should be reflected in the title of the document. However, a brief memo submitted quarterly should explain all monitoring completed during the quarter and identify any problems encountered while collecting the data. BMP monitoring reports are to be delivered with data in an electronic format to Eric Naibert at Montgomery County DEP and also to Leo Galanko at Montgomery County DPS. All information submitted to DEP will be public information that DEP may freely copy and distribute. Questions on the monitoring requirements and procedures may be directed to the following personnel.

Eric Naibert
(240) 777-7769
Eric.Naibert@montgomerycountymd.gov

Leo Galanko
(240) 777-6242
Leo.galanko@montgomerycounty.md.gov

LOR1



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

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

August 16, 2012

Re: Montgomery County
Travilah Road south of MD 28
Travilah Grove III
SHA Tracking No. 12APMO047
MD 28 (Milepoint 18.19)

Mr. Edward Axler
Area 2 Transportation Coordinator
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Axler:

Thank you for the opportunity to review the Supplemental Traffic Impact Study (TIS) Report dated March 15, 2012 prepared by The Traffic Group, Inc. (received by the AMD on July 19, 2012) that was prepared for the proposed Travilah Grove III residential development in Montgomery County, Maryland. The major report findings and the Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the 300 Mid-Rise Apartments is proposed from multiple driveway connections to Travilah Road and Shady Grove Road (both County roadways).
- No state intersections were included in the TIS.
- The traffic report concluded that the proposed development would not cause any studied intersection to exceed the congestion standard policy threshold as established by the M-NCPPC for the R & D Village Policy Area (CLV less than or equal to 1,450).
- In order to satisfy the Policy Area Mobility Review (PAMR), the applicant has proposed to make a \$503,100 payment to Montgomery County towards general transportation improvements in the vicinity of the site.

The SHA concurs with the findings of the report and offers no comments at this time.

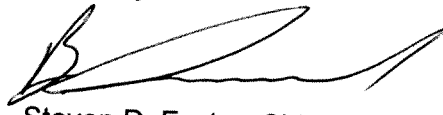
My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

Mr. Edward Axler
Page 2 of 2

SHA concurs that the proposed development will not cause any studied intersection to exceed the congestion standard threshold for the R & D Village Policy Area. However, any proposed mitigating roadway improvements impacting a State-controlled roadway must be reviewed and approved by the SHA. Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application.

If you have any questions or comments regarding the enclosed traffic report comments, please contact Nick Driban at (410) 545-0398 or CDriban@sha.state.md.us.

Sincerely,

For 
Steven D. Foster, Chief
Access Management Division

SDF/cnd

cc: Ms. Mary Deitz, SHA RIPD
Mr. Bob French, SHA Office of Traffic & Safety
Mr. Roy Gothie, SHA RIPD
Mr. Scott Newill, SHA AMD
Mr. Nick Driban, SHA AMD
Mr. Greg Leck, MCDOT
Ms. L'Kiesha Markley, SHA RIPD
Ms. Reena Mathews, SHA RIPD
Ms. Felecia Murphy, SHA District 3 Office
Mr. Johnson Owusu-Amoako, SHA Office of Traffic & Safety
Mr. Errol Stoute, SHA Traffic Development & Support Division
Mr. Morteza Tadayon, SHA Travel Forecasting Section
Mr. Wes Guckert – The Traffic Group, Inc.



FIRE MARSHAL COMMENTS

DATE: 27-Aug-12
TO: KC Reed
Loiederman Soltesz Associates, Inc
FROM: Marie LaBaw
RE: Travilah Grove
120120290

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **27-Aug-12**. 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.

***** Items to be finalized at time of site plan:**

- 1) fire department connection locations
- 2) addressing
- 3) parking restrictions ***

FW: Travilah Grove Preliminary Plan #120120290

Sloan, Joshua

Sent: Monday, August 27, 2012 4:52 PM

To: Shirley, Lori; Findley, Steve; Knaggs, Lynn

fyi

From: Demler, Scott [mailto:sDemler@wsscwater.com]

Sent: Monday, August 27, 2012 3:48 PM

To: Sloan, Joshua

Cc: Morgan Etters; Sullivan, Stephanie; Parent, Art

Subject: Travilah Grove Preliminary Plan #120120290

Josh,

In regard to the Travilah Grove Project (Preliminary Plan #120120290) please be advised that the applicant and engineer have adequately addressed WSSC's earlier Development Review Committee comments from July 23, 2012. All remaining WSSC-related items will be evaluated and resolved at the time of detailed engineering plan review.

Note of Special Concern: As you are probably aware, any construction activities in the vicinity of our existing prestressed concrete cylinder (PCC) water transmission pipes are of great concern to us. These impacts will be carefully evaluated at time of our detailed engineering plan review. While we don't anticipate the need for changes to the current site concept, WSSC cannot guarantee that these proposed impacts will be permitted as currently shown or that other site configuration changes won't take place as a result of the detailed engineering plan reviews. Please contact me immediately if you have any comments or questions. Thanks

Scott W. Demler
WSSC Development Services Group
Phone (301) 206-8749



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

October 11, 2012

Arthur Holmes, Jr.
Director

Ms. Lori Shirley, Planner/Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120120290
Travilah Grove III

Dear Ms. Shirley:

We have completed our review of the preliminary plan dated June 18, 2012. This plan was reviewed by the Development Review Committee at its meeting on July 23, 2012. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. The Water Quality Report, p3, states "The applicant proposes ... 300 residential DUs and 6000 SF of commercial space". All other documents (plans+parking+LATR) reflect only 300 residential DUs; no commercial space. This difference needs to be resolved.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
4. Submit amended storm drain study, with computations, for review and approval by the Department of Permitting Services prior to record plat submission. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. Inlet efficiency and spread computations are to be included in the impact analysis.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

5. The proposed access points on Travilah Road should be shifted to align opposite the existing entrances on the opposite side of that road.
6. Sight distance evaluations have been provided for 2 of the 3 access points. However, no evaluation was provided for the northeast access onto Travilah Road. Furthermore, each evaluation sheet must be provided on its own 8.5" x 11" page and be signed & sealed by a licensed Professional Engineer. Ensure that each sheet is completely filled out, including noting the master plan road classification and side-street names. Submit revised sight distance evaluation certification forms, for each entrance and in the proper format, for review and approval by the Department of Permitting Services prior to record plat submission.
7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
8. This site is located in a Special Protection Area. In accordance with Section 49-33(l) of the Montgomery County Code, curb and gutter may not be installed in an environmentally sensitive watershed unless certain waiver criteria have been satisfied.

Based on a review of the information submitted to date, a waiver to allow curb and gutter has not been granted for this site. (The applicant will need to provide documentation which satisfactorily demonstrates the use of curb and gutter will not significantly degrade water quality. This documentation is to be submitted in triplicate to Mr. Atiq Panjshiri of MCDPS, for subsequent review and comment by this Department and the Maryland-National Capital Park & Planning Commission.

Based on a review of the existing improvements along nearby sections of Travilah Road (and, as noted below), the Department of Transportation supports allowing the use of curb and gutter along the project's site frontage.

9. In accordance with Section 49-33(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the proposed public streets unless the applicant is able to obtain a waiver from the appropriate government agency.

Coordinate construction of the five (5) foot concrete sidewalk across the Travilah Road site frontage with Mr. Daniel Sheridan, our Division of Transportation Engineering's Project Manager for the Travilah Road – Phase 2 sidewalk project (CIP project no. 500101-2). Mr. Sheridan may be contacted at 240-777-7220.

10. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Mr. Sam Farhadi of that Department at (240) 777-6333 to discuss the parking lot design.
11. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
12. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules.
13. Truck loading space requirements to be determined in accordance with the Executive Branch's "Off-Street Loading Space" policy. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
14. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
15. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
16. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
17. Clarify ownership of the forested area alongside along Shady Grove Rd and whether an access easement is necessary.
18. Clarify ownership of the 16.5-ft ROW strip between the site and the forested area.

19. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
20. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
21. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
22. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
23. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
24. Prior to approval of the record plat by MCDPS, the applicant will need to enter into a Traffic Mitigation Agreement with the Planning Board and this Department. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-5800.

The Traffic Mitigation Agreement will include measures to be taken to achieve the required trip reduction and will include a security instrument (letter of credit or performance bond) to guarantee achievement of trip reduction goals. The Agreement will include but not be limited to the following provisions:

- A. Electric Car Charging - provide two electric car charging stations on site
- B. Car Sharing Parking - Provide at least 2 car sharing vehicle parking spaces in highly visible, preferentially-located spots in on-street locations or in accessible location within parking garage.
- C. Car Sharing Parking - Provide at least 2 car sharing vehicle parking spaces in highly visible, preferentially-located spots in on-street locations or in accessible location within parking garage(s).

- D. Bike Sharing - provide space in the project for a bikesharing docking station to enable this form of transportation to be used by residents, employees and visitors. The location of the docking station will be selected by the Applicant with approval of MCDOT, based upon the requirements of the bikesharing system. The location must be a highly-visible, convenient and well-lit portion of the Project, possibly in the area designated for Public Use Space. If zoning regulations or other provisions adopted prior to building permit so provide, or if the development has a trip reduction requirement under PAMR, provide payment of capital costs of bikesharing station and 12 years of operating costs. Applicant shall take other actions in concert with MCDOT to promote use of bikesharing among residents and visitors at the Project.
 - E. Provide bike racks in weather-protected, highly visible locations.
 - F. Design building frontages or lobbies to provide for two-way visibility for transit vehicles, taxis, and shuttles.
 - G. Displays. Incorporate display space into residential lobbies and other areas of high pedestrian activity and opportunity for information on each level of parking facilities. Displays will contain materials explaining transportation options in the Greater Shady Grove area and the region.
 - H. Provide opportunity and connections for electronic (LCD) display screens and Real Time Transit Information Signs in lobbies, elevators, and parking facilities. This will enable outreach to residents, employees and visitors, etc.
25. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
- A. Across the Travilah Road site frontage, widen the existing pavement to eighteen (18) feet and construct curb, gutter, five (5) foot wide concrete sidewalk and handicap ramps, and enclosed storm drainage and appurtenances in accordance with MCDOT Standard No. MC-212.01.
 - * **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**
 - B. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Ms. Lori Shirley
Preliminary Plan No. 120120290
October 11, 2012
Page 6

- D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Andrew Bossi, our Development Review Area Engineer for this project at andrew.bossi@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

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Enclosure

CC: Lew Flashbenberg; Travilah Grove, LLC
Joseph A. Lynott, Jr.; Lynott, Lynott, & Parsons, P.A.
Steven A. Robins; Lerch Early & Brewer, Chtd.
K.C. Reed; Loiederman Soltesz Associates, Inc.
Josh Sloan; M-NCPPC Area 2
Edward Axler; M-NCPPC Area 2
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Leo Galanko; MCDPS WRM
Atiq Panjshiri; MCDPS RWPR
Sandra Brecher; MCDOT DTS
Dan Sheridan; MCDOT DTE
Brett Linkletter; MCDOT DHS
Dan Sanayi; MCDOT DTEO
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