



Item # 7
August 1, 2002

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



MEMORANDUM

DATE: July 26, 2002
TO: Montgomery County Planning Board
VIA: Joe R. Davis, Chief
Development Review Division
FROM: Larry Ponsford AIA AICP *LAP*
Planning Department Staff
(301) 495-4576

REVIEW TYPE: Site Plan Review
APPLYING FOR: Approval of 75 d.u.'s, including 26 TDR's, on 23.25 net acres
PROJECT NAME: Martens Property
CASE #: 8-02039
REVIEW BASIS: Sec. 59-D-3, M. C. Zoning Ordinance
ZONE: R-200/TDR-4
LOCATION: West Old Baltimore Road, 2000 ft. west of Frederick Road
MASTER PLAN: Clarksburg
APPLICANT: Toll Bros. Inc.
FILING DATE: May 23, 2002
HEARING DATE: August 1, 2002

STAFF RECOMMENDATION:

Approval of Water Quality Plan;

Approval of 75 single family detached dwellings including 26 TDR's, on 23.25 net acres with the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A
2. Final alignment of Greenway hiker-biker trail to be further refined during review of Phase II of this project
3. The Phase II final Water Quality Plan must include Storm water management for the Clarksburg Greenway Trail that is located in the Phase I development project area
4. Conformance to conditions as stated in the MCDPS letter approving the elements of the SPA water quality plan under its purview
5. Boardwalk and bridge details must be included on Signature Set and are subject to approval by Parks staff
6. Greenway trail will double as bikeway, eliminating the need for same along Little Seneca Parkway on south side

7. Triangle of forest conservation land in west corner of site (Parcel T) to be dedicated as part of park, with informal access from future Fernberry Lane
8. The applicant will construct a split rail fence at the rear of lots 1 through 4, block K, to protect the existing forest stand.
9. Change street trees on West Old Baltimore Road to Acer Rubrum, per draft Streetscape Plan
10. Conditions of Parks staff memo dated July 24, 2002, Appendix B

SUMMARY OF ISSUES:

None outstanding. Topics included where to locate greenway's hiker-biker path, where to locate connections to it from the site plan and adjusting lot lines to keep lots outside the conservation easements.

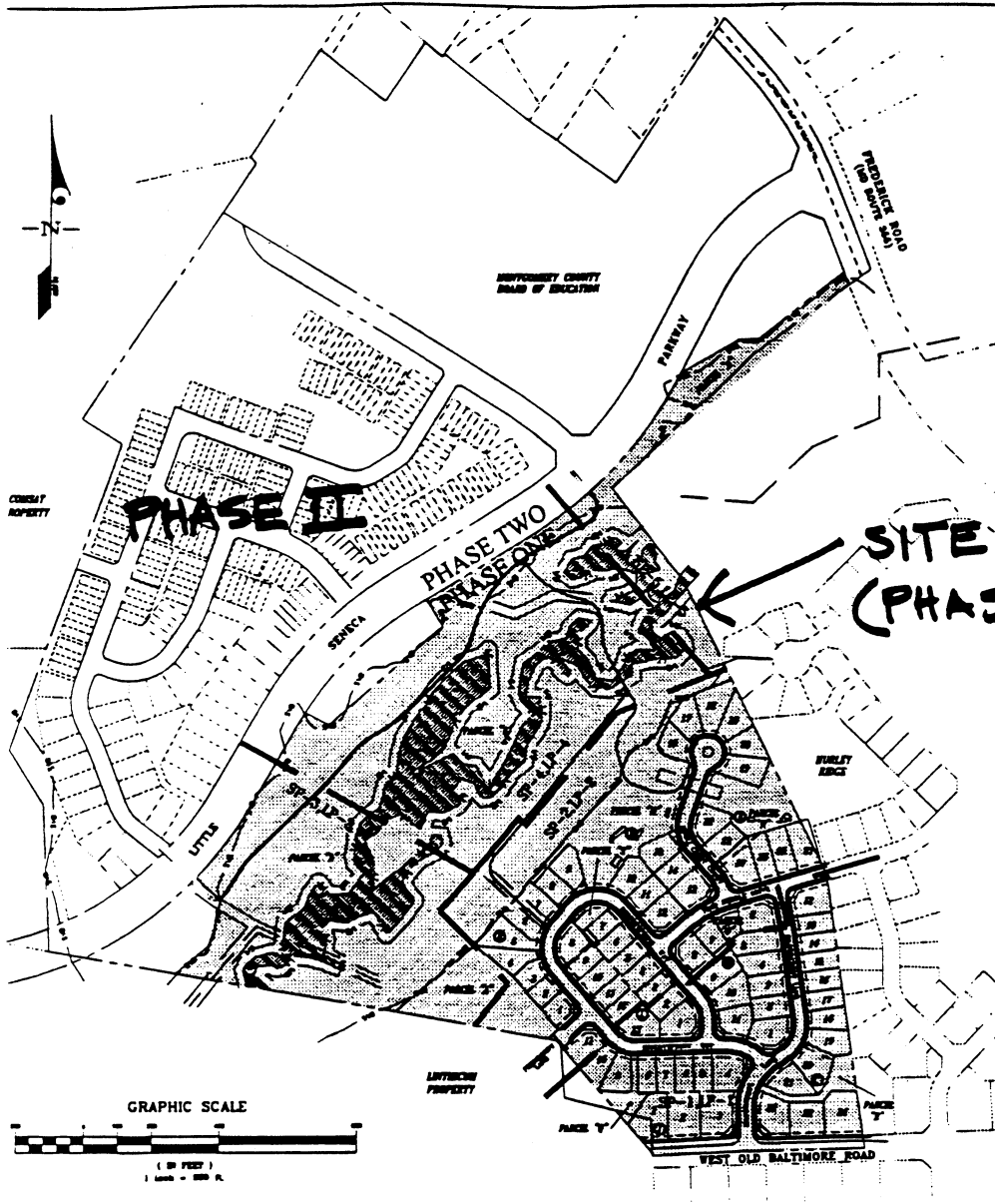
PROJECT DESCRIPTION: Surrounding Vicinity

The triangular development site is bounded on the northwest by the partially wooded stream valley of Tenmile Creek, beyond which is the future Master Plan alignment of Little Seneca Parkway. The previous stage of development by this applicant, Hurley Ridge, lies to the east. West Old Baltimore Road bounds the site on the short, southern frontage and provides the site access. Another undeveloped housing site lies along the southwest property line. The property is in a Special Protection Area. This section of West Old Baltimore Road is not designated Rustic.



PROJECT DESCRIPTION: Site Description

The Tenmile Creek stream valley part of the site is characterized by partially wooded wetland following the winding stream. The upland, developable part is mostly open with a boundary of mixed hardwoods and impenetrable understory. A small tributary stream crosses the northern corner of the triangular development site. A stand of mixed hardwoods occupies a triangular parcel at the western corner of the developable area. The site generally slopes to the northwest.



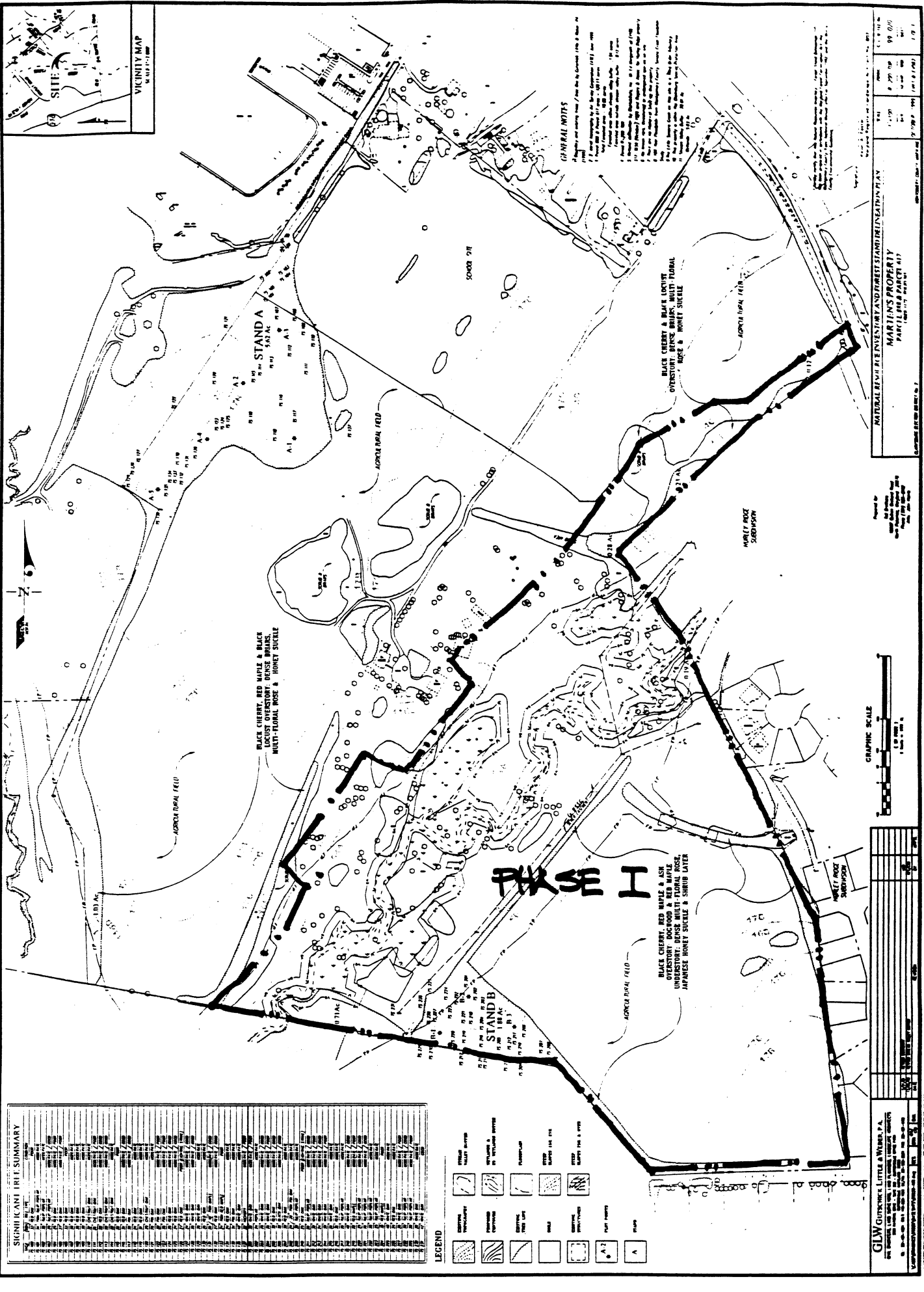
LEGEND

- EXISTING TOPOGRAPHY
- PREPARED CHITLAND
- EXISTING TREE LINE
- PREPARED TREE LINE
- EXISTING STRUCTURES
- STREAM VALLEY BUFFER
- WETLANDS & WETLANDS BUFFER
- FLASHFLOOD & FLASHFLOOD BUFFER
- LIMIT OF SETTLEMENT
- TREE PROTECTION FENCE
- TREE SAVE AREA
- TREE PLANT AREA
- TREE PROTECTION SIGN
- PREPARED TREES
- PREPARED CURB & CUTTER
- PREPARED LIGHT
- PREPARED SPOT GRADE
- PREPARED STORMSEWER, SEWER & WATER

SITE PLAN (PHASE I)

PROJECT DESCRIPTION: Proposal

Seventy-five single-family detached dwellings will occupy the developable portion of the Site Plan. The entire part of the site within the limits of the Tenmile Creek stream valley buffers will be dedicated to the Parks Department of MNCPPC, along with the triangular, wooded Parcel "T" at the west corner. The applicant will construct an 8-ft. hiker-biker trail within the greenway and will connect this trail to the development at two points, as shown.



SIGNIFICANT TREE SUMMARY

NO.	DBH (IN)	HT (FEET)	SPECIES	CONDITION	REMARKS
1	12	15	...	...	...
2	10	12	...	...	...
3	14	18	...	...	...
4	11	14	...	...	...
5	13	16	...	...	...
6	9	11	...	...	...
7	15	20	...	...	...
8	12	15	...	...	...
9	10	12	...	...	...
10	14	18	...	...	...
11	11	14	...	...	...
12	13	16	...	...	...
13	9	11	...	...	...
14	15	20	...	...	...
15	12	15	...	...	...
16	10	12	...	...	...
17	14	18	...	...	...
18	11	14	...	...	...
19	13	16	...	...	...
20	9	11	...	...	...
21	15	20	...	...	...
22	12	15	...	...	...
23	10	12	...	...	...
24	14	18	...	...	...
25	11	14	...	...	...
26	13	16	...	...	...
27	9	11	...	...	...
28	15	20	...	...	...
29	12	15	...	...	...
30	10	12	...	...	...
31	14	18	...	...	...
32	11	14	...	...	...
33	13	16	...	...	...
34	9	11	...	...	...
35	15	20	...	...	...
36	12	15	...	...	...
37	10	12	...	...	...
38	14	18	...	...	...
39	11	14	...	...	...
40	13	16	...	...	...
41	9	11	...	...	...
42	15	20	...	...	...
43	12	15	...	...	...
44	10	12	...	...	...
45	14	18	...	...	...
46	11	14	...	...	...
47	13	16
48	9	11
49	15	20
50	12	15

LEGEND

Symbol	Symbol	Symbol	Symbol	Symbol	Symbol
...
...
...
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...
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GENERAL NOTES

1. Accuracy and reliability of this map is based on the ground truth survey and data collected by the contractor.
2. This map is not to be used for any purpose other than that intended.
3. All dimensions are in feet and inches, unless otherwise noted.
4. The contractor shall be responsible for verifying all dimensions and locations on the ground.
5. The contractor shall be responsible for obtaining all necessary permits and approvals.
6. The contractor shall be responsible for protecting all existing utilities and structures.
7. The contractor shall be responsible for maintaining access to all adjacent properties.
8. The contractor shall be responsible for restoring all areas disturbed by the project.
9. The contractor shall be responsible for maintaining the site until all work is completed.
10. The contractor shall be responsible for providing all necessary safety measures.

MARTIN'S PROPERTY
PARCEL 88-B PARCELS 817

Project by: [Name]
Site: [Address]
Date: [Date]

Prepared by: [Name]
Checked by: [Name]
Reviewed by: [Name]

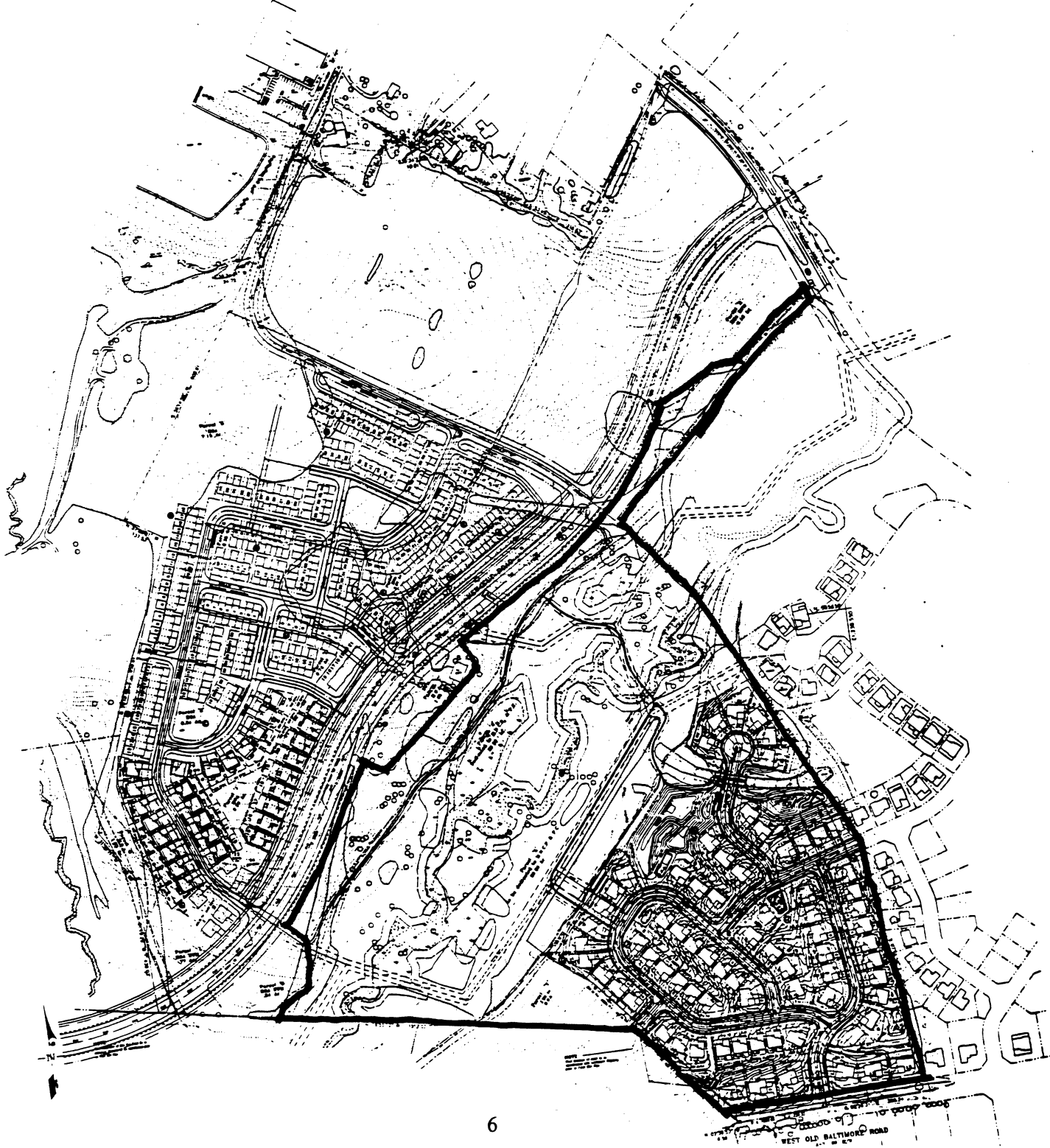
GRAPHIC SCALE
1" = 100'

NO.	DATE	DESCRIPTION
1	10/15/12	...
2	11/20/12	...
3	12/05/12	...
4	01/15/13	...
5	02/28/13	...
6	04/10/13	...
7	05/20/13	...
8	07/05/13	...
9	08/20/13	...
10	10/05/13	...
11	11/20/13	...
12	01/05/14	...
13	02/20/14	...
14	04/05/14	...
15	05/20/14	...
16	07/05/14	...
17	08/20/14	...
18	10/05/14	...
19	11/20/14	...
20	01/05/15	...

GLW GUNDECK LITTLE & WILSON, P.A.
100 MARKET STREET, SUITE 1500, PHILADELPHIA, PA 19106
TEL: 215-593-8800 FAX: 215-593-8801
WWW.GLW.COM

This proposal is the first of two Site Plans associated with the underlying Preliminary Plan, which approved up to 326 lots for 110 SFD's and 216 SFA units on 102.9 acres. That approval required the inclusion of 113 TDR's and 41 MPDU's. Twenty-six Transferable Development Rights will be applied to this development, and the remainder, along with the MPDU's, will be in Phase II.

The lot layout is conventional, with access from West Old Baltimore Road and connections to the developments on either side. The streets are closed section because of the small lot size.



PARK DEDICATION



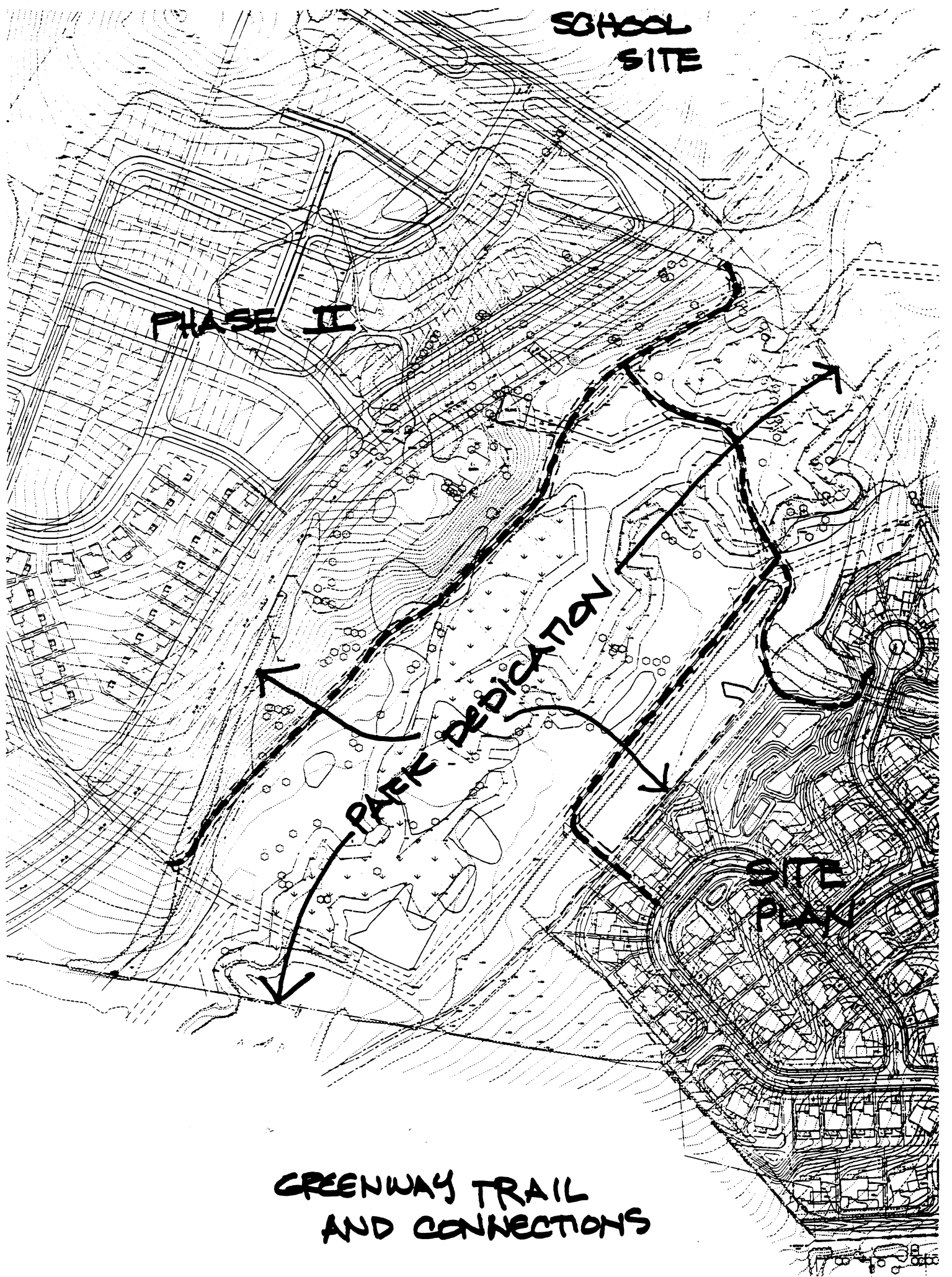
SCHOOL
SITE

PHASE II

PARK DEDICATION

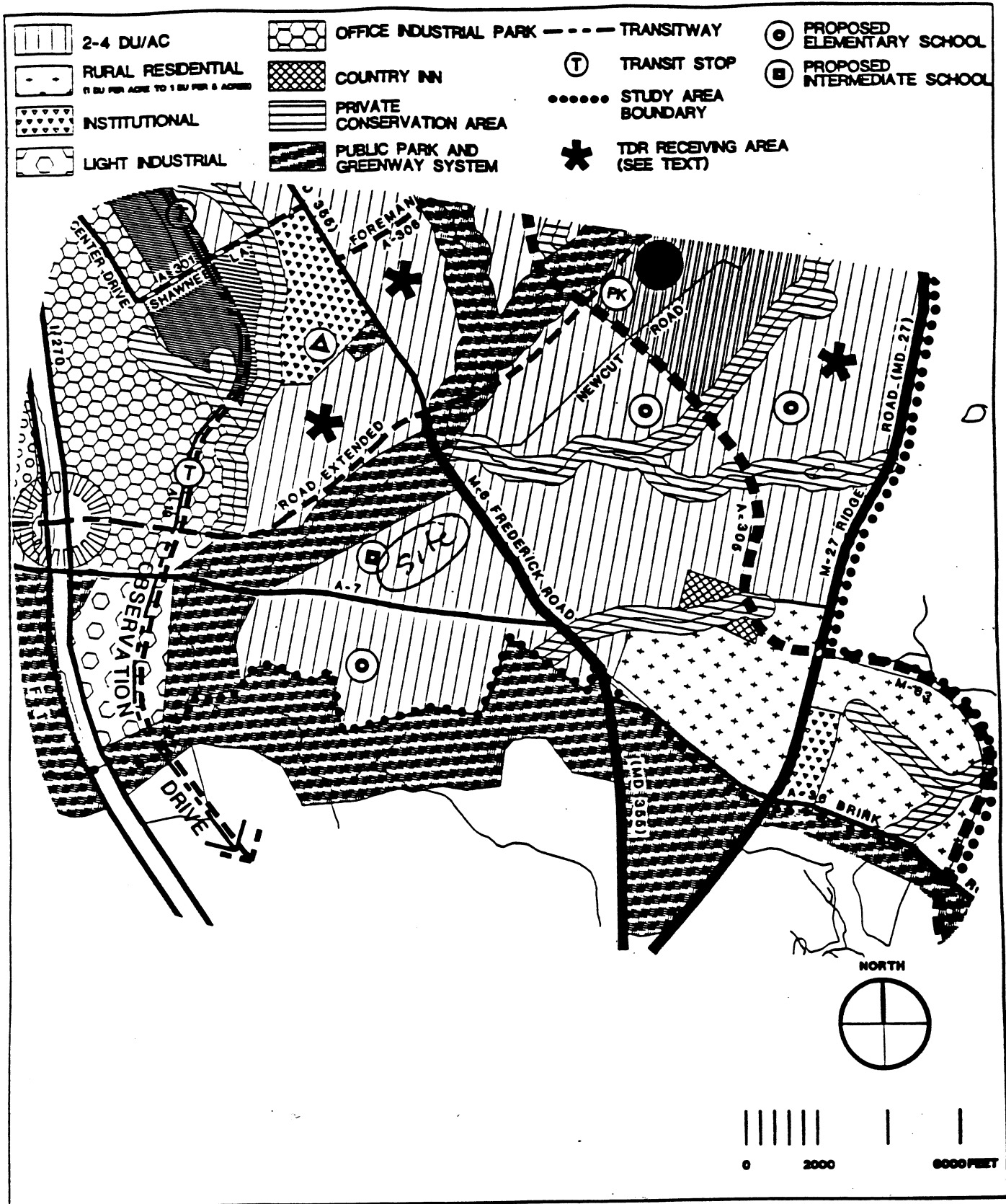
SITE
PLAN

GREENWAY TRAIL
AND CONNECTIONS



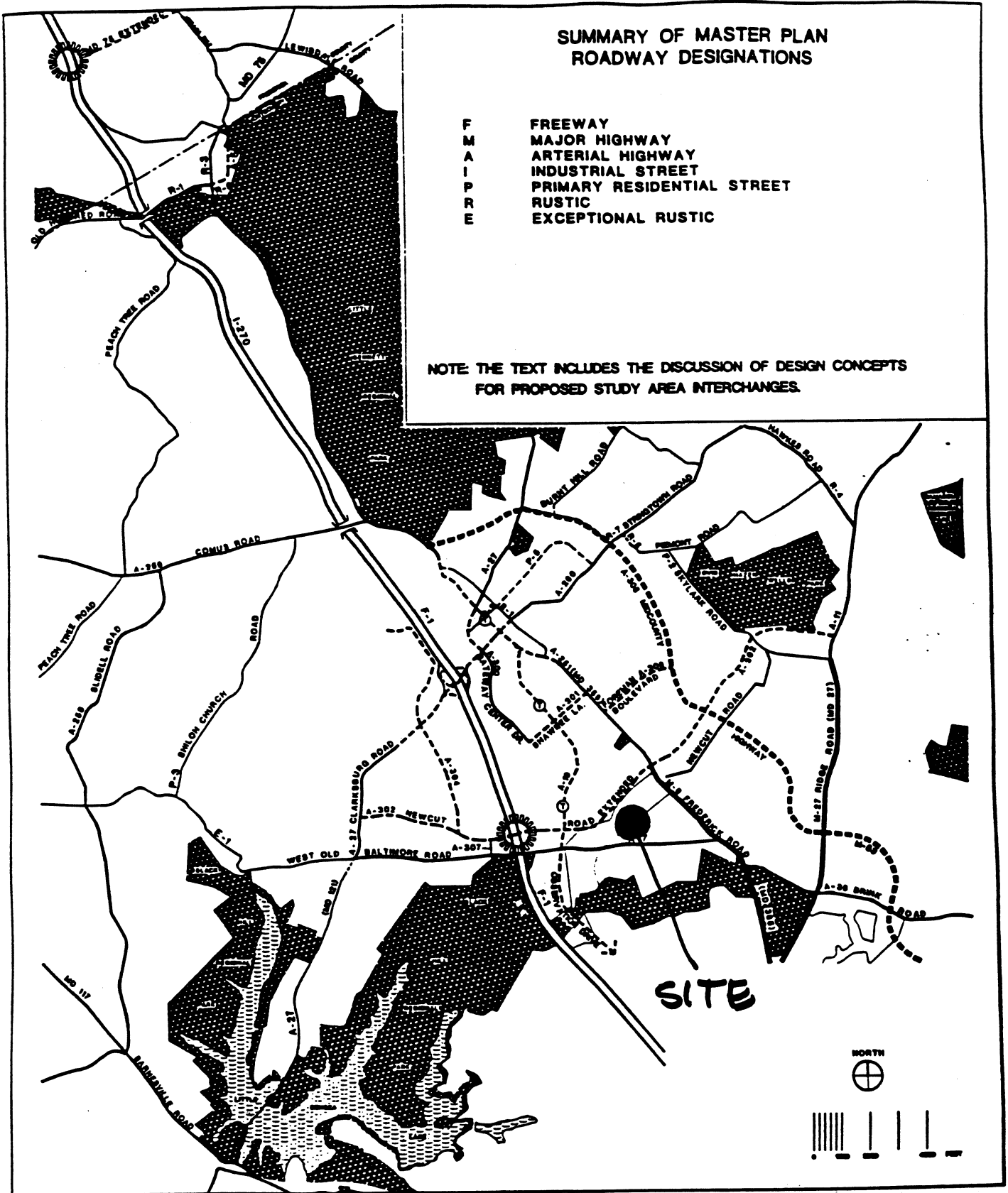
Brink Road Transition Area Land Use Plan

Figure 29



Generalized Highway and Transit Plan

Figure 40



mile of I-270 be relocated due to the reconfiguration of the I-270/MD 121 interchange. Due to this reconfiguration, the western section of Clarksburg Road will directly connect with the extension of Stringtown Road, which is also designated as an arterial road (A-260).

The section of Clarksburg Road between I-270 and A-19 is recommended for realignment and will provide for a right-in, right-out intersection at A-260. Gateway Center Drive presently crosses the alignment of Stringtown Road Extended and connects with Clarksburg Road. Gateway Center Drive (A-300) remains in its existing configuration, but the turning movements at its intersection with A-260 (Relocated Clarksburg Road) may need to be restricted because of its proximity to the I-270 interchange. These restrictions may be required to reduce the negative traffic impacts of a full movement intersection located at a substandard distance from the MD 121/I-270 interchange.

STRINGTOWN ROAD (A-260)

This Plan recommends that Stringtown Road be constructed as a four-lane divided arterial roadway between I-270 and A-305. This Plan recommends that the 1968 Clarksburg and Vicinity Master Plan alignment of Stringtown Road be modified between MD 355 and Piedmont Road. The recommended alignment follows the existing road in order to utilize the existing crossing point of Little Seneca Creek and avoid two tributaries to the north of this crossing. The existing crossing will need to be widened to accommodate two additional lanes. When widened, this crossing is recommended to include areas for bike paths along Stringtown Road and for the Little Seneca Creek greenway, which will cross under Stringtown Road.


SHAWNEE LANE (A-301)

This Plan recommends that Shawnee Lane be reconstructed as a four-lane divided arterial roadway between Gateway Center Drive and MD 355.

GATEWAY CENTER DRIVE (A-300)

Gateway Center Drive is the main street for Gateway I-270, a major employment center located in the Transit Corridor District of the Study Area in the vicinity of the MD 121 interchange. This Plan recommends Gateway Center Drive to be classified as a four-lane divided arterial roadway within a variable 80- to 120-foot right-of-way.

NEWCUT ROAD EXTENDED (A-302)



Existing Newcut Road is a two-lane road that connects Piedmont Road to MD 355. This Plan recommends that Newcut Road be relocated adjacent to the stream buffer of Little Seneca Creek and extended to the east to connect with MD 27 and to the west to cross I-270 (with an interchange) and connect with

MD 121. (See discussion of Newcut Road Interchange in this chapter.) The Plan also recommends Newcut Road Extended be classified as a four-lane divided arterial highway between MD 121 and A-305 and as a two-lane arterial from A-305 to MD 27.

Within the Newcut Road Neighborhood, the character of Newcut Road Extended is intended to be conducive to pedestrian crossings and provide access to the residential and retail areas in the village. To do so, the road should be narrow with frequent intersections, sidewalks, and retail and office uses located close to the street.

The existing intersection of Newcut Road with MD 355 is recommended for abandonment with property access provided from the northeast by Newcut Road Extended. In addition, other areas along the existing portions of Newcut Road will require modification in order to access the relocated road. In the vicinity of the relocated roadway's intersection with Skylark Road, the alignment is recommended to be located to provide an area of 20 usable acres between Newcut and Skylark Roads and Ovid Hazen Wells Recreational Park for a middle school site.

The Newcut Road Extended crossing of Little Seneca Creek occurs in a highly sensitive area of wetlands. Careful siting of this crossing is necessary to assure that the environmental impacts and need for potential mitigation are minimized.



A-304

This Plan recommends a four-lane arterial road parallel to I-270 to serve the Cabin Branch Neighborhood. The location of this road is shown on the approximate location of the ridge line between Cabin Branch and an unnamed tributary of Little Seneca Creek. This roadway serves as a boundary between residential and employment areas within the Cabin Branch Neighborhood. In order to provide access to Site 30 and employment uses in the vicinity of the northwest quadrant of the MD 121/I-270 interchange, this Plan recommends the reservation of a 120-foot right-of-way to allow for the construction of a four-lane divided arterial roadway north of MD 121. Given that this alignment crosses through large parcels, this Plan recommends that the specific alignment of the road be developed when these properties develop, whether together or individually. This will allow the road to serve the properties in the most effective manner. Modification of the road alignment is not intended to imply or endorse a change in the actual zoning boundary.

FOREMAN BOULEVARD (A-306)

This Plan recommends the construction of Foreman Boulevard (A-306) as a two-lane arterial roadway within an 80-foot right-of-way between MD 355 and A-305. This roadway traverses land recommended for residential development and will provide access to the recommended local park adjacent to the Little Seneca Creek Greenway.

WEST OLD BALTIMORE ROAD (A-7 AND E-1)

West Old Baltimore Road is a historical connection between this part of Montgomery County and the City of Baltimore. Currently, the road is in a wide variety of conditions. East of I-270, West Old Baltimore Road is typical of streets in the Up-County area where residences front on two-lane roads. Approaching I-270, the surrounding area is dominated by agricultural land and the satellite ground stations on the Comsat property. On the west side of I-270, the road serves as access to Black Hill Regional Park, farms, and scattered houses. As West Old Baltimore Road approaches MD 121, the condition of the road becomes more rustic, going from a standard two-lane cross-section with adequate clearance along the side of the road to a substandard width with trees and brush directly adjacent to the road.

This Plan recognizes and continues the rural character of West Old Baltimore Road in those areas where the Plan's recommended land uses for agricultural and open space preservation support the recommended character of the road. (See Rustic Road Recommendations.)

This Plan recommends that West Old Baltimore Road between Ten Mile Creek and Little Seneca Creek contain a hiking/biking path to connect the greenways.

REDGRAVE PLACE (P-5)

This Plan recommends that Redgrave Place be classified as a two-lane business district street within a 70-foot right-of-way to the tributary of Little Seneca Creek. North of that point, this Plan recommends that the roadway be classified as a primary residential street.

This Plan recommends that Redgrave Place serve as a pedestrian and vehicular linkage between the eastern area of the Town Center and the Town Center transit station. To do so, an extension of Redgrave Place to the east is recommended. This recommendation would require the relocation of a structure within the historic district. Redgrave Place is intended to connect the Town Center transit station to the greenway.

At the intersection of Redgrave Place with MD 355 (B-1), both roads should maintain a two-lane cross-section without turning lanes and include sidewalks on both sides of the (70-foot right-of-way) street. The design and construction of sidewalks along Redgrave Place should protect the existing chestnut tree to the maximum extent possible. While this may create a substandard design for the intersection, this serves to protect the traditional character of the district and accommodate pedestrian crossings.

Right-of-Way Recommendations

This Plan recommends increases in the minimum right-of-way width of major highways and arterial roads to permit adequate space for continuous turn lanes, additional buffer/landscape space, and medians, as well as the typical street, sidewalk, and bikepath requirements. Attainment of the full recommended right-of-way in developed areas may not be feasible in all locations or cases. In the absence of detailed engineering studies, dedication of the minimum right-of-way will be required at the time of subdivision.

Major highways have been increased from a master planned right-of-way of 120 feet to 150 feet, with an increase from 80 feet to 120 feet for divided arterials to provide for separated bikeways.

This Plan recommends that the right-of-way of an arterial road or major highway be widened at intersections with other arterial roads and/or major highways. This increased width will provide space for an additional left-turn lane and a right-turn lane on the approach side of the intersection, as well as an adjustment area on the departure side. The amount of additional right-of-way on the approach side is 24 feet wide for 500 feet from the intersection with a 400-foot taper. The departure side is 12 feet wide for 200 feet with a 180-foot taper. Both a divided arterial and a major highway with a 30-foot median can accommodate two left-turn lanes; only 12 feet of additional right-of-way is needed in those cases. An undivided arterial road needs an additional 8 feet of width to provide a median at the intersection for pedestrian and vehicular safety.

In the case of the transitway designation, the rights-of-way are increased 50 feet over that which would otherwise be required for the roadway right-of-way. The location or alignment of the additional 50 feet is on one side or the other of the existing right-of-way, or equivalently split off the center line.



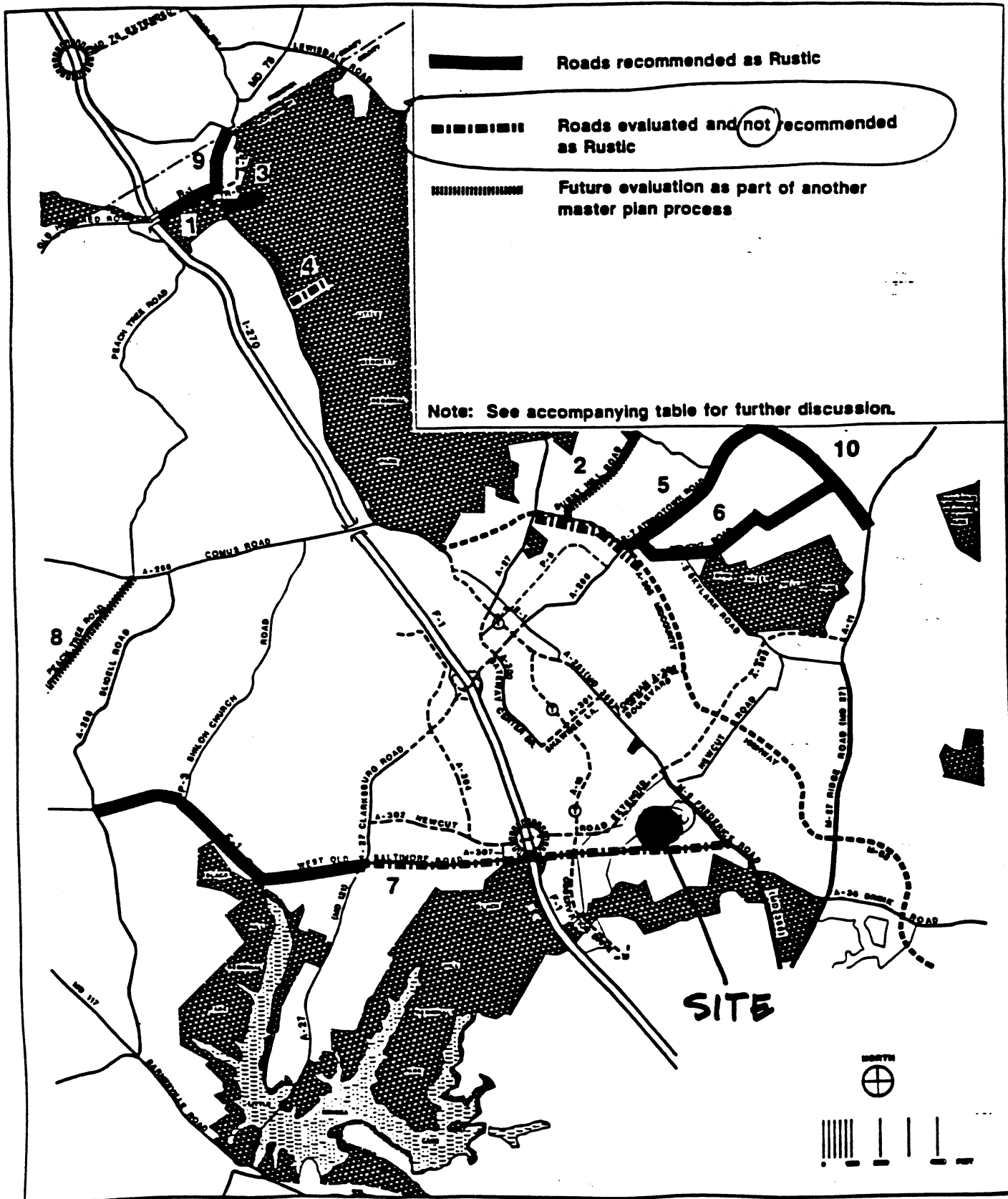
Recommended Rustic Road Designations

Montgomery County has enacted a Rustic Roads Program to preserve those historic and scenic roadways that reflect the agricultural character and rural origins of the County. The legislation creating the Rustic Roads Program (adopted in March, 1993) defines two categories of rustic roads; the criteria for classification is summarized in Table 8.

The legislation includes an Interim List of Rustic Roads; this list has been evaluated in the context of the land use and transportation recommendations of this Plan. Table 9 and the accompanying map (see Figure 42, page 128) summarize this Plan's recommendations regarding rustic and exceptional rustic roads. A more detailed discussion of the rustic and exceptional rustic road recommendations of this Plan is presented in the Technical Appendix.

Rustic Road Recommendations

Figure 42



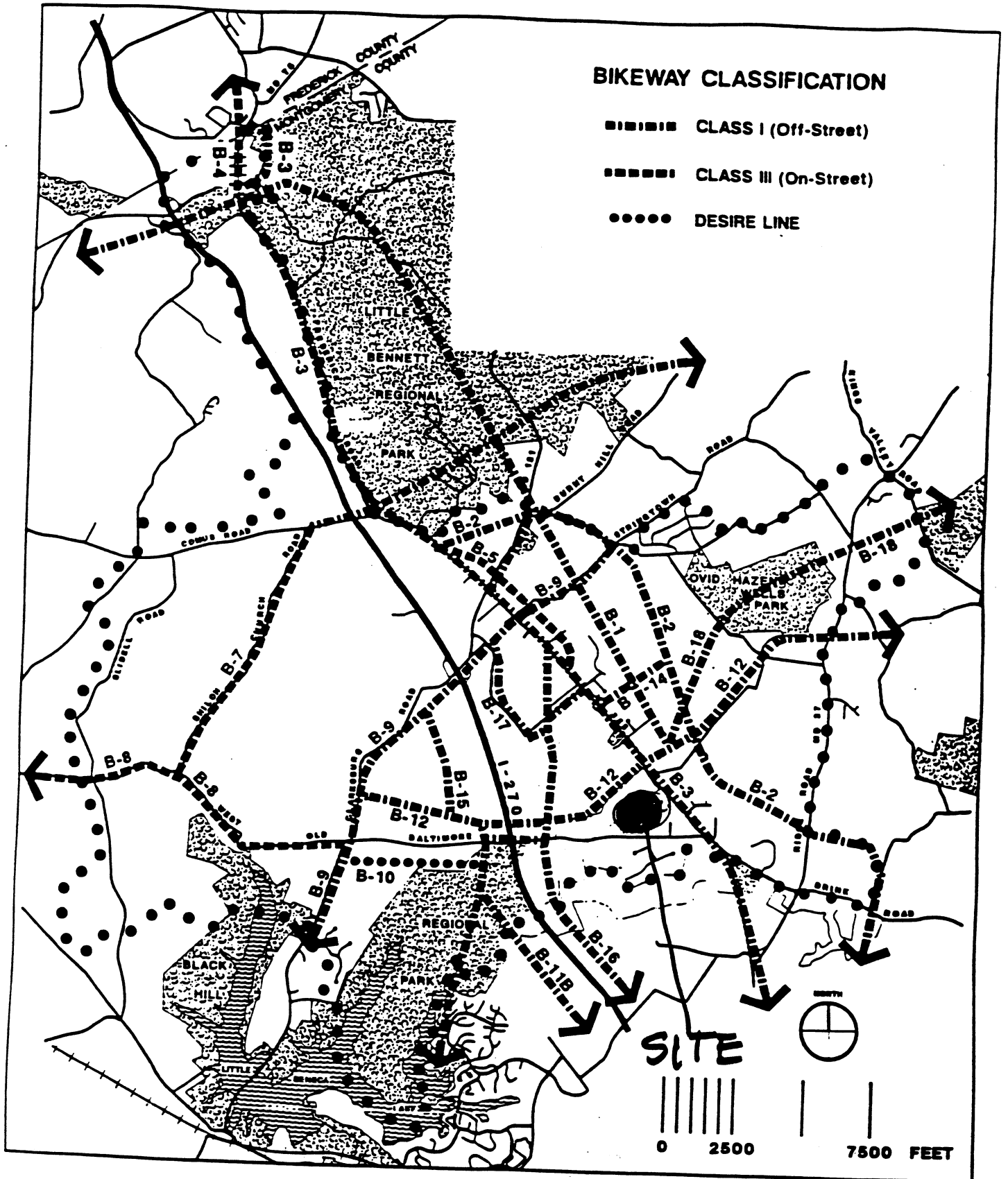
Clarksburg Master Plan Rustic Roads Recommendations (cont.)

Table 9

Roadway Name	Limits	Recommendation	Comments
7. West Old Baltimore Road Exceptional Rustic	MD 355 to MD 121 MD 121-Barnesville Road	Remove designation Exceptional Rustic	Needed for network.
8. Peach Tree Road Rustic	Entire length—a part of which is within Clarksburg	To be determined by the <i>Master Plan of Highways Amendment</i>	Area is recommended to become Agricultural Reserve.
<i>Roads Not on the Interim List but Recommended by this Plan as Rustic</i>			
9. Frederick Road (MD 355)	Between the recommended bypass intersections with MD 355	Rustic	Traverses the historic district; a new road is recommended to carry through traffic to the east. Although the Planning Board and County Council do have concerns about designating a portion of MD 355 as rustic, the designation will make a clear policy statement that MD 355 at this location is a "main street."
10. Hawkes Road (recommended for area outside Study Area)	Within the Master Plan area	Rustic	Adjacent area is private conservation or is recommended for Rural Residential.

Bikeway Plan

Figure 43



ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

Development Standard	Permitted/ Required	Proposed
Lot Area (ac.):		52.62 Gross/23.25 net
Dwelling Units (One-family detached)		75
Moderately-priced DU's included		
Transferable Development Rights incl.		26
Building Coverage (%):	25	<25
Building Height (ft.):	35	35
Setbacks (ft.):		
Front yard	20	>20
Side yard	4	>4
Rear yard	20	>20

**PHASES ONE & TWO
RECREATION CALCULATIONS**

HOUSING TYPE:	80 SFD II,	Lots 7,000 - 19,999 s. f.
	29 SFD III,	Lots under 7,000 s. f.
	216 T. H.,	Townhouses
	325 D. U. s	Total

DEMAND per 100 D. U.:
Required

	Tots	Children	Teens	Adults	Seniors
SFD II	13	24	25	106	11
SFD III	14	19	23	127	13
TH	17	22	18	129	7

DEMAND for Martens Property:
Required

	Tots	Children	Teens	Adults	Seniors
SFD II (0.80)	10.40	19.20	20.00	84.80	8.80
SFD III (0.29)	4.06	5.51	6.67	36.83	3.77
TH (2.16)	36.72	47.52	38.88	278.64	15.12
TOTAL	51.18	72.23	65.55	400.27	27.69

SUPPLY for Martens Property:
Provided

	Tots	Children	Teens	Adults	Seniors
Off-Site (35% D)	17.91	25.28	22.94	140.09	9.69
Pedestrian System	5.12	14.45	13.11	180.12	12.46
Bike System	2.56	7.22	9.83	60.04	2.77
(2) Natural Areas	0.00	7.22	13.12	80.06	2.76
Nature Trails	2.56	7.22	9.83	60.04	4.15
(2) Tot Lots	18.00	4.00	0.00	8.00	2.00
Open Play Area I	6.00	9.00	12.00	30.00	2.00
Open Play Area II	3.00	4.00	4.00	10.00	1.00
TOTAL	55.15	78.39	84.83	568.35	36.83

PERCENTAGE	108%	109%	129%	142%	133%
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NOTE: AS PART OF THE PHASE ONE CONSTRUCTION, A PERCENTAGE OF THE PEDESTRIAN SYSTEM, THE BIKE SYSTEM, (1) NATURAL AREA, AND THE NATURE TRAILS WILL BE PROVIDED AS RECREATIONAL FACILITIES.

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required. Not Applicable.*
2. *The Site Plan meets all of the requirements of the zone in which it is located. See project Data Table above.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*
4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*
5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding Water Resource Protection.*

APPENDICES

- A. Standard conditions dated October 10, 1995
- B. Letter from Parks staff dated July 24, 2002
- C. Letter from Environmental Planning staff on Water Quality Plan dated July 25, 2002
- D. Opinion for Preliminary Plan # 1-02011
- E. Correspondence received on July 26, 2002

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement, Development Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Streets tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
 - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
 - 3) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 4) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - 5) Coordination of each section of the development and roads.
 - 6) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion Control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Undisturbed stream buffers

- b. Limits of disturbance
 - c. Methods and locations of tree protection
 - d. Forest Conservation areas
 - e. Relocation of stormwater facility outfalls from pond away from forest preservation or other environmentally sensitive areas
 - f. Conditions of DPS Stormwater Management Concept approval letter
 - g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading
 - h. The development program inspection schedule
 - i. Conservation easement boundaries
 - j. Streets trees along all public streets
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.



MEMORANDUM

07/24/02

TO: Larry Ponsford, Development Review Division

FROM: Doug Powell, Plan Review Coordinator, Park Planning and Resource Analysis Unit, Countywide Planning Division

RE: Martens Property, Site Plan 8-02039

Park Planning and Resource Analysis staff has reviewed the above-referenced Plan and requests the following **CONDITIONS OF APPROVAL**:

1. Dedication to M-NCPPC of the area along Little Seneca Creek at least 600 feet wide (Parcel A), in accordance with the Clarksburg Master Plan, for use as part of the Clarksburg Greenway. The width must be sufficient to include all stream buffer areas and include sufficient area outside the buffer to accommodate agreed trail alignments.
2. Dedication to M-NCPPC of the area designated as Parcel T to be included as part of the Clarksburg Greenway.
3. Construction by Applicant of an 8' wide, hard surface (asphalt/boardwalk where needed) "Clarksburg Greenway Trail" in accordance with the Clarksburg Master Plan and Implementation Study. The Greenway Trail alignment to be determined by M-NCPPC staff in coordination with the Applicant, and included by Applicant on the record plat. Trail to be located an adequate distance from the road and the residences to promote safe and enjoyable travel, and should have adequate hiker/biker access from both sides of the development.
4. Construction of a natural surface trail connection by applicant, including a bridge across Tenmile Creek, between the south portion of the property and the Greenway trail on the north side of the Greenway. Location of the trail and bridge, as well as bridge specification, to be coordinated with M-NCPPC staff. Boardwalk to be installed for the trail in locations within the wetlands

and stream valley buffer where determined to be necessary by M-NCPPC staff. Trail to connect to Brightspring Way and to Knoll Crest Court for access by residents.

5. Adequate public use trail access to be constructed by Applicant from the Greenway trail to the school and the northern (Phase II) portion of the development.



MEMORANDUM

TO: Larry Ponsford, Supervisor
Development Review

FROM: Mark Pfefferle, Planning Coordinator *mf*
County-Wide Planning Division

VIA: Steve Federline, Supervisor, Environmental Planning *SA*
County-Wide Planning Division

DATE: July 25, 2002

SUBJECT: Phase I Martens Property, Zone R-200/TDR-4, Site Plan # 8-02039

STAFF RECOMMENDATION

Staff recommends approval of the Special Protection Area (SPA) final water quality plan subject to the following:

- Conformance to the conditions as stated in the Montgomery County Department of Permitting Services (DPS) letter approving the elements of the SPA water quality plan under its purview.
- The Phase II final water quality plan must include stormwater management for the Clarksburg Greenway Trail that is located in the Phase I development project area.

DISCUSSION

This memorandum contains staff's review and recommendation on the SPA final water quality plan for the Phase I development project of the Martens property in Clarksburg.

The Planning Board must act on the SPA water quality plan before taking action on the site plan application.



Site Description

The Phase I project is located north of West Old Baltimore Road and immediately west of the Hurley Ridge Phase I development. West of the subject property is the Linthicum property (1-02015), which received preliminary plan approval from the Planning Board on July 11, 2002. The 52.6-acre site is bisected by Little Seneca Creek, a Use IV-P (recreational trout waters and public water supply) stream. There is a wide stream buffer within the project limits. The subject property is either grassy flood plain or active agricultural land. The agricultural land is currently planted with soybeans. There are 4.11 acres of forest on the subject property. The forest is primarily located within the stream valley buffer in isolated pockets or in a 2.5-acre forest along the western edge of the property. The subject property slopes from West Old Baltimore Road to broad floodplain.

Proposed Project

The proposed onsite project work consists of constructing 75 single-family detached homes and associated infrastructure. The subject property is zoned R-200/TDR-4.

REVIEW FOR CONFORMANCE TO THE SPECIAL PROTECTION AREA REQUIREMENTS

The Special Protection Area regulations require development applications to prepare and submit preliminary and final water quality plans to M-NCPPC and DPS for review. This review is for the final water quality plan. Under the SPA law, DPS and the Planning Board have different responsibilities in the review of the water quality plan. DPS has reviewed and conditionally approved the elements of the final water quality plan under their purview. The Planning Board responsibility is to determine if the environmental buffer protection, SPA forest conservation and planting requirements, and applicable site imperviousness limits have been satisfied.

Site Performance Goals

As part of the pre-application water quality plan meeting, several site performance goals were established for the project. These include:

- Protect the streams and aquatic habitat
- Maintain the natural on-site stream channels
- Minimize any increase in stormwater runoff
- Identify and protect stream banks prone to erosion and slumping
- Minimize increases to ambient water temperatures
- Minimize sediment loading
- Maintain stream base flows
- Protect springs, seeps, and wetlands
- Minimize nutrient loadings
- Control insecticides, pesticides and toxic substances.



Site Imperviousness

There are no impervious surface restrictions for development plans in the Clarksburg SPA. The proposed build out of the Phase I Martens property will result in 14.6 percent of the site being impervious. The imperviousness numbers are relatively low because of the large environmental buffer and Little Seneca Parkway is included in the Phase II development application.

Environmental Buffers

Little Seneca Creek, a Use IV-P stream, bisects the property. A wide environmental buffer brackets the stream. The wide environmental buffer is a product of a wide floodplain and wetlands within the floodplain. The 100-year flood plain makes up 22 acres of the 28-acre stream valley buffer. The applicant is proposing to intrude into the environmental buffer for water and sewer lines, stormwater discharge conveyances, a natural surface trail, and the paved Greenway Trail. No roadways are proposed to cross the environmental buffer. The applicant states in the Final Water Quality Plan that 100 percent of the impervious areas are outside the stream valley buffers. This is not true because the Greenway Trail, an 8-foot wide paved trail, is located in the stream buffer. A M-NCPPC staff and applicant meeting have field-located the Greenway Trail at the upper reaches of stream buffer and away from wetlands.

Forest Conservation

The Phase I and II Martens property includes 10.06 acres of forest. The Phase I project area includes 4.11 acres of forest. Since the applicant is utilizing an optional method of development, the forest conservation law requires the applicant to preserve existing forests. Under the optional method of development, the applicant must preserve forest equal to either the conservation threshold or the afforestation threshold. In this particular development application, the amount of existing forest is less than both thresholds. Therefore, the applicant must preserve all existing forest on-site and replant forest to achieve the afforestation threshold. The applicant is proposing to remove 0.1 acres of forest as part of the Phase I development application. The forest removal is necessary for the connection to an adjoining development.

The Environmental Guidelines require the applicant, in an SPA, to establish forest in all stream buffers on a development site. The applicant will reforest the entire stream valley buffer. This applicant will plant 22.18 acres of forest, which exceeds the planting requirement under the forest conservation law by approximately 15 acres.

All existing forested areas outside of the stream valley buffer and the entire stream valley buffer will be placed into a Category I forest conservation easement.

Wetland Mitigation

The Maryland Department of the Environment (MDE) has approved the applicant's request to develop 7.1-acres of new wetlands within the stream valley buffer. In order to satisfy the requirements of the Environmental Guidelines, the newly created wetlands will be forested.



Stormwater Management

To help meet performance goals for the Phase I development, stormwater will be managed through a linked system of best management practices (BMP). The first step is upland facilities designed to promote groundwater recharge. When rain events are too large for these pre-treatment devices, an under drainpipe will feed the water back to the public storm drain system. At the bottom of the linked systems are combined surface sand filter and dry ponds.

Given the density of the site and small lot frontages, open section roadways are not feasible. The applicant will use open section along parts of West Old Baltimore Road. In areas where closed section roadways are proposed, an additional ½ inch of quality volume is proposed.

Sediment and Erosion Control

DPS is requiring the use of super silt fence around the perimeter of the disturbed areas. Immediate stabilization of the site is also encouraged.

Monitoring of Best Management Practices

DPS has determined that one linked BMP should be monitored for total suspended solids, total phosphorus, total nitrogen, nitrate, zinc, lead, copper, and biological oxygen demand.

The Department of Environmental Protection (DEP) required the applicant to install two groundwater-monitoring wells in the Phase I project area and to monitor these wells for one year prior to construction. Monthly monitoring of these wells must occur during construction and for three years post-construction.





Date Mailed: May 21, 2002

Action: Approved Staff Recommendation
Motion of Comm. Perdue, seconded by
Comm. Wellington with a vote of 4-0;
Comms. Holmes, Perdue,
Robinson and Wellington voting
in favor
Comm. Bryant absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02011

NAME OF PLAN: MARTENS PROPERTY

On 08/17/01, TOLL BROTHERS submitted an application for the approval of a preliminary plan of subdivision of property in the R-200/TDR-4 zone. The application proposed to create 325 lots (109 Single Family Detached Dwelling Units and 216 Single-Family Attached Units) on 102.9 acres of land. The application was designated Preliminary Plan 1-02011. On 04/04/02, Preliminary Plan 1-02011 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02011 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02011.

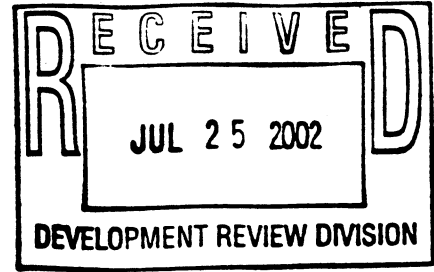
Approval, subject to the following conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Clarksburg Master Plan unless otherwise designated on the preliminary plan
- 3) Subject to condition (7), all road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Clarksburg Master Plan, and to the design standards imposed by all applicable road codes.
- 4) The final alignment of Newcut Road, as it leaves the Martens Property and enters the adjoining properties to the west, to be determined by the time of site plan
- 5) Limit the preliminary plan to 326 residential dwelling units
- 6) Satisfy the APF test by paying the Development Approval Payment (DAP) under the Alternative Review Procedure for Limited Residential Development provision of the FY 02 Annual Growth Policy for the proposed residential development. The APF test includes:

- a) **Policy Area Review:** Site-generated traffic has to be mitigated within the Clarksburg Policy Area, which is in a moratorium. There is no capacity available for residential development as of February 28, 2002 (-8,203 units) in the Clarksburg Policy Area. The applicant is satisfying policy area review by paying the DAP under the *FY 02 Annual Growth Policy* staging ceiling capacity.
 - b) **Local Area Transportation Review:** A traffic study to analyze the traffic impact at nearby intersections is required since the proposed land use generates more than 50 total peak-hour trips during the weekday morning peak period (7:00 a.m. to 9:00 a.m.) and the evening peak period (4:00 p.m. to 6:00 p.m.). The applicant is satisfying Local Area Review by paying the DAP under the *FY 02 Annual Growth Policy* staging ceiling capacity.
- 7) As a condition of site access, a) construct the outside lanes of Newcut Road Extended (A-302) to the western most point of access as a two-lane divided arterial road including a five foot sidewalk on the south side, an eight foot bike path on the north side, street trees, and grading for a future four-lane roadway, and b) grade Newcut Road right-of-way from the western most point of access to the property line for the future four land divided cross section, and c) participate with the Board of Education in the cost of construction of the full four-lane divided cross-section for 500 feet (or for such shorter length as necessary to provide an exclusive left-turn lane eastbound approaching MD 355) approaching the intersection of Frederick Road (MD 355) over and above the cost of construction of this section as required under a) above.
 - 8) Coordinate with the Montgomery County Board of Education regarding the extension of Wims Road to the subject site through the future school site.
 - 9) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas
 - 10) Record plat to provide for dedication of 120 feet of right-of-way for Frederick Road and 80 feet for West Old Baltimore
 - 11) Record plat to reflect common ingress/egress easements over all shared driveways
 - 12) Compliance with the conditions of MCDPS stormwater management approval; All facilities must be outside stream valley buffers
 - 13) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
 - 14) Final approval of the number and location of dwelling units, sidewalks, and bike paths and other trails will be determined at site plan
 - 15) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
 - 16) Construct an 8 foot wide hard surface trail in the portion of Clarksburg Greenway that traverses the property
 - 17) Provide a minimum of 113 TDR's and 41 MPDU's dependent on condition # 9
 - 18) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed

- 19) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 20) Other necessary easements
- 21) Consider providing driveway and sidewalk connection from Road "K" to Wims Road if the appropriate easements and rights are established through consent of property owners. Connection of road and sidewalk could be acceptable to MCPS. Final Disposition of connection to be decided with Site Plan
- 22) Street "F" to be identified on record plat as "outlot" with reference note to indicate future dedication to Montgomery County for Roadway by H.O.A. at such time as adjoining property submits Preliminary Subdivision Application

Arthur Lee
21902 Ivy Leaf Drive
Boys, MD 20841



July 24, 2002

Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Park and Planning Commission's Development Review Division

Re: GLW Gutschick, Little & Weber, PA
Notification of Application Adjacent and Confronting Property Owners Application to be Considered by The Montgomery County Planning Board.

I've reviewed the documents sent by GLW on the proposed property lot lines for the Martins Property, Plan Number 8-02039. I've submitted previous comments on the minimum B.R.L for the lot adjacent to my property on September 9, 2001 and February 6, 2002.

The plan shows a B.R.L. for at 4 feet (single family detached). I am adjacent to the proposed subdivision and face West Old Baltimore Road in the Hurley Ridge Development. The West Side of my lot (listed as C2 in the attachment, but as lot C1 on the subdivision plan) is adjacent to the Martins property. I have a 13 feet B.R.L for the West Side of my lot adjacent to the Martins property. If the house to be built next to me (lot C24) has a side lot B.R.L. of only 4 feet, this allows the builder and future homeowner to build closer to the property line than I can. I propose that lot C24 in the proposed subdivision Phase I of the Martins Property have a minimum B.R.L of 13 feet on the East Side of that lot (C24).

C24 shown with 16' SETBACK .

The proposed change in the BRL for lot C24 on the East Side should have little or no effect on the future house to be built on that lot. The change in the BRL for lot C24 on the East Side does not effect any of the proposed property boundary lines for this (C24) or any other lots in the proposed plan.

These small requests from residents may seem insignificant in the whole picture of the subdivision, but it is these requests that makes the biggest difference in peoples lives and the people who live in Montgomery County.

Sincerely,

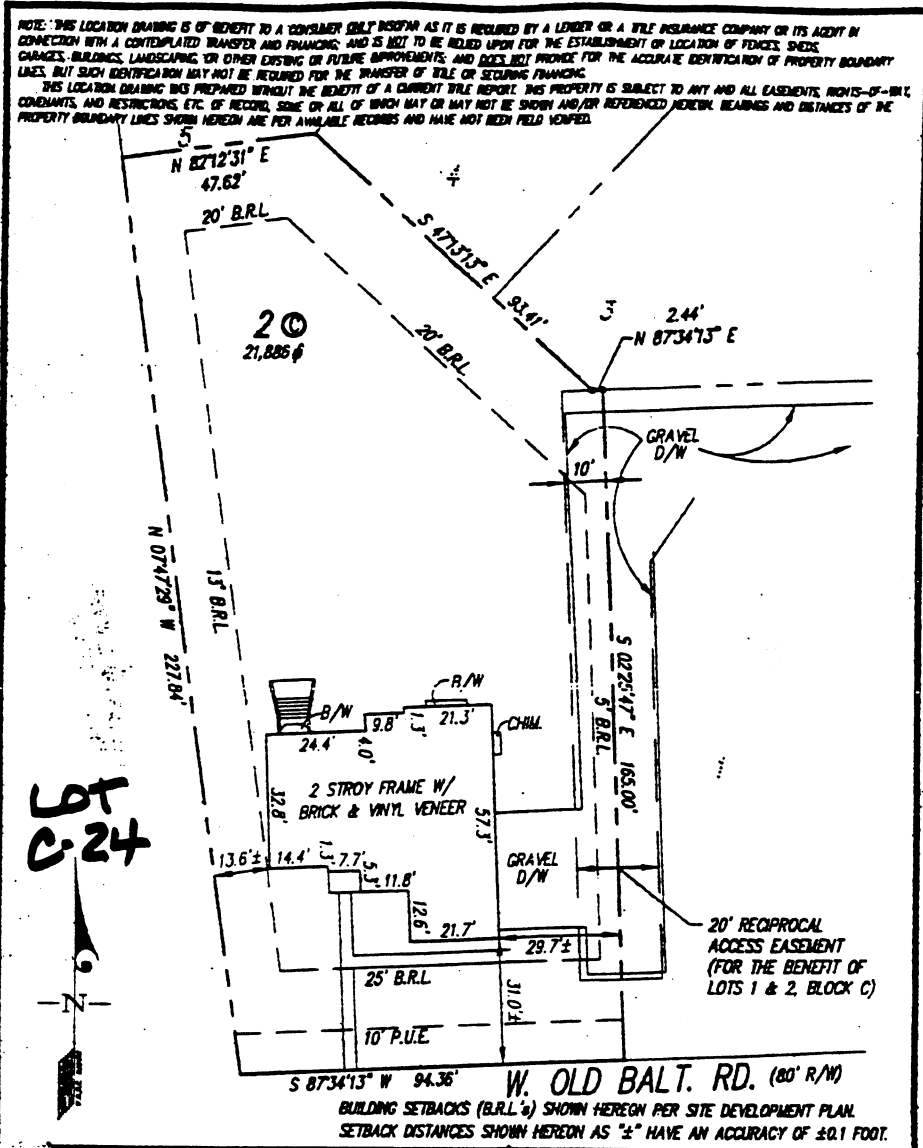
A handwritten signature in black ink, appearing to be "Arthur Lee".

Arthur Lee

Attachment – Survey of Lot C2



Attachment - Survey of Lot C2



5
C-24

CLW GUTSCHICK LITTLE & WEBER, P.A. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS 300 NATIONAL OFFICE - SUITE 250 - BARTONVILLE OFFICE PARK BARTONVILLE, MARYLAND 20886 TEL: 301-421-4224 FAX: 410-883-1839 TEL/WO: 301-421-2524 FAX: 301-421-4188	FLOOD ZONE SHOWN HEREON LIES WITHIN ZONE C (AREA OF MINIMAL FLOODING) AS SHOWN ON THE F.E.M.A. FLOOD INSURANCE RATE MAP, (COMMERCIAL PLANET No. 280283 0050 B, EFFECTIVE DATE JULY 2, 1978).
	RECORDING: PLAT Bk. 181 PLAT No. 20180
	DATE OF LATEST FIELD WORK: 08-18-00
	DRAWN BY: FBM/CAD SCALE: 1"=30' G.L.W. FILE No. 98-025 CHECKED BY:

<p align="center">SURVEYOR'S CERTIFICATE</p> <p align="center">THIS IS TO CERTIFY TO: "TOLL BROTHERS, INC.;"</p> <p align="center">THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THIS LOCATION DRAWING WAS PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS OF PRACTICE FOR SURVEYORS AND SURVEYING OF THE STATE OF MARYLAND</p> <p align="center"> For Gutschick Little and Weber, P.A. Thomas C. O'Conner, Jr., Professional Land Surveyor, No. 10954 </p> <p>THIS LOCATION DRAWING IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE ABOVE SURVEYOR.</p>	<p align="center">LOCATION DRAWING</p> <p align="center">"CLARKSBURG HEIGHTS" LOT 2, BLOCK "C" 21902 IVY LEAF DRIVE PERMIT # 212210</p> <p align="center">MONTGOMERY COUNTY, MARYLAND</p>
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1799

Kathryn B. Jones
12600 W. Old Baltimore Rd.
Boyd's, MD 20841

July 25, 2002

Mr. Derick Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910-1320

RE: Site Plan 8-02039/ Marten Property, Phase 1

RECEIVED
JUL 25 2002

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Berlage,

Upon review of the recently sent site plans for the Marten Property, I noticed they had changed. Instead of 4 properties across from my house on West Old Baltimore there are 6 now. I really have no problem with that except for the fact that the road is now coming out of the community right in the middle of the front of my house. I see no need for a road to be across from any of our houses when the people in this section can easily access Ivy Leaf Road which comes out across from another existing road without causing problems to the people living on Diller Rd.

I realize this is my personal view but there is another important problem with the exit being where you have put it and that is that it has a proven record of being dangerous. There is a blind spot once you pass the crest of the hill on West Old Baltimore heading towards 121. There have been many accidents here, one included several cars in which one flipped over. People fly down the road and once they crest the hill they only then see what is in the road, deer, groundhogs, other cars, etc. My next door neighbors on the 121 side, just yards from your exit road, cannot back out of their driveway but go straight out and still they have no visibility even in their van. If they go towards 121 they have to gun it out of the driveway and hope a car is not flying over the crest at that moment. My drive is not so bad but the road immediately descends just past it where you are proposing to put an exit.

I do think you should reconsider this location and whether a road is really needed. Even a bit to the 355 side of my drive would be more on the crest of the hill. You could always put in a 7th house instead of a road or give the homeowners a bit more elbow room! No one has any yards in Hurley Ridge!

Sincerely yours,

Kathryn B. Jones
Kathryn B. Jones

(E)

12604 W. Old Baltimore Rd

Boys

MD 20841

To: Mr Derick Berlage, Chairman

Montgomery Planning Board

8787 Georgia Avenue

Silver Spring

MS 20910-3760

RECEIVED
JUL 25 2002

7/26/02

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Berlage

Ref Martens Property, Site Plan File # 8-02039

I am writing to provide the following comments on the above plan.

1. The positioning of exit (Manorcrest Lane) onto W. Old Baltimore Rd.

The current suggested position is surprisingly close to a particularly dangerous part of the hill (there have been two accidents here in the past 3 years due to poor visibility). It would seem preferable that the exit be moved as far from the hill as possible towards the existing Toll Brothers development in the direction of 355 or the main outlet on this side of the development be moved so that traffic exits through Manorcrest Lane North.

(E)

Given the new exit a decrease in the speed limit on W. Old Baltimore, starting below (west of) the housing development would be advisable since the school bus has frequent stops along this road. Speeding (particularly in E-W direction) is currently a major problem on W. Old Baltimore.

2. Concern about the use of well water on the new site for use during the development process. At least one well has been placed on the development. What quantities of water will be extracted for development during the current drought period? If these quantities are large is this likely to effect current low water-tables?



David Marsland