

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

September 18, 2003

Robert C. Hubbard
Director

Mr. Shawn Jang
Charles P. Johnson Associates
1751 Elton Road
Silver Spring, MD 20903

Re: Stormwater Management **CONCEPT** Request
for Hoyles Mill Village sec. 2D
Preliminary Plan #: 1-88216
SM File #: 200644
Tract Size/Zone: 6.2ac./R-200
Total Concept Area: 6.2
Watershed: Little Seneca Creek

Dear Mr. Jang:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures via existing pond 4; on-site water quality control via sandfilters; and onsite recharge via gravel storage below one of the sand filters.

The following **conditions** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. The stormwater narrative submitted with the current concept revision indicates that the recharge volume is provided for off-setting the overage in imperviousness. This is actually not the case. Ground water recharge is now a standard requirement for all developments.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.



If you have any questions regarding these actions, please feel free to contact Blair Lough at 240-777-6335.

Sincerely,

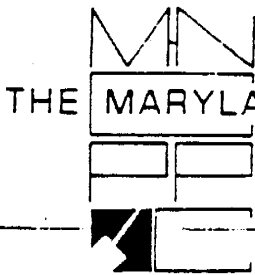


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm bli

cc: M. Shaneman
S. Federline
SM File # 200644

QN -on-site; Acres: 6.2
QL - On-site; Acres: 6.2
Recharge is provided



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: August 1, 1995

SITE PLAN REVIEW #8-95030

PROJECT: HOYLES MILL VILLAGE SECTION 2

Action: Approval subject to conditions. Motion was made by Commissioner Aron, seconded by Commissioner Holmes, with a vote of 5-0, Commissioners Aron, Holmes, Hussmann, Richardson and Baptiste voting for.

The date of this written opinion is August 1, 1995 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before August 31, 1995 (which is thirty days from the date of this written opinion). If no administrative appeal is filed, then the validity period of this site plan is tied to the phased validity periods established in the underlying preliminary plan. The underlying preliminary plan was approved in three different phases. Phase I consisting of 459 units was approved on December 9, 1993 and will remain valid until February 7, 1997. Phase II was approved on June 30, 1994 for an additional 100 units (559 total units) and will remain valid until September 8, 1997. Phase III consisting of the final 10 units (569 total units) was approved by the Planning Board on September 29, 1994 and will remain valid until December 23, 1997. Prior to the expiration of these validity periods, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

On February 7, 1995, Greenberg Germantown Limited Partnership submitted an application for the approval of a site plan for property in the R-200 zone. The application was designated Site Plan Review #8-95030.

On June 1, 1995, Site Plan Review #8-95030 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 on the testimony and evidence presented by the

staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, and which is make a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan meets all of the requirements of the zone in which it is located.
2. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient.
3. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The Montgomery County Planning Board approves Site Plan Review #8-95030 as follows:

Staff recommends APPROVAL of Site Plan #8-95030 for 259 units including 223 single family detached units and 36 townhouses (including 36 MPDU's), subject to the following conditions:

1. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners 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) Street 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. Pathways between units must be completed prior to occupancy of adjacent units;
 - 3) Clearing and grading schedule;
 - 4) Required site inspections of retention and reforestation areas by M-NCPPC enforcement staff as specified in the "Trees Technical Manual";
 - 5) Submit financial security for reforestation planting prior to clearing and grading;
 - 6) Maintenance agreement for reforestation areas to be reviewed and approved by M-NCPPC staff prior to first inspection of planted areas.
 - b. Enforcement Agreement to reference stream quality

monitoring agreement and stormwater management facility maintenance agreement;

- c. Site Plan Enforcement Agreement to include an element requiring each Applicant/Builder of a project or a portion of a project identified in Table I to construct or participate in the construction of each particular transportation improvement referenced in the Germantown West Improvements/Development Phasing Program ("Phasing Program") consistent with the terms and conditions imposed upon the project pursuant to its preliminary plan approval by the Planning Board. This requirement does not increase or decrease the responsibility of any Applicant with respect to the construction of a transportation improvement, each Applicant remains obligated to construct or participate in the cost of constructing an improvement consistent with the preliminary plan for the project ("Required Improvements"). The enforcement agreement shall provide that if an applicant/builder of another project identified on Table I, as may be amended from time to time, has undertaken construction of all or a portion of the Required Improvements attributable to Applicant at the time Applicant files for an initial building permit tied to such Required Improvements, Applicant must pay a pro rata share of all costs and expenses associated with the Required Improvements prior to or contemporaneous with an application for building permits.

The parties shall agree to appropriate formulas and calculations for determining pro rata shares. The agreement may provide that the Planning Department should monitor pro rata payments and is authorized to withhold release of a building permit in the event a share has not been paid. The agreement shall provide that the Applicant will cooperate with other developers and not unreasonably delay respective development proposals, including dedication of right-of-way, provided that the requesting party provides appropriate reimbursement to the Applicant.

- d. Homeowners Association Documents to include provisions for inspection and maintenance of SWM facilities per the Approved and Adopted Germantown Master Plan recommendations and guidelines, Appendix D.

2. Submit a phasing plan as follows:

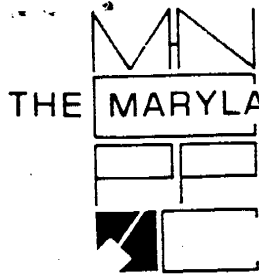
- a. Phasing for all clearing and grading that will correspond to the construction schedule and reduce soil erosion;
- b. Phasing of each section of the development which reflects

- phasing of required roadway improvements;
- c. Phasing of stormwater management facilities and recreation facilities.
3. Incorporate the following items into the signature set landscaping plan:
 - a. Street trees 45 feet on center along all public streets;
 - b. Planting within the stormwater management facilities.
 4. The following information must be shown on the signature set of all plans and be incorporated into the sediment and erosion control plan for staff review prior to approval by MCDEP:
 - a. Stream buffers;
 - b. Limit of disturbance line;
 - c. Methods and location of tree protection;
 - d. Forest retention and reforestation areas;
 - e. Conservation easements.
 5. Type I conservation easement to include all stream buffers, wetland, floodplain and forest conservation areas. Easement must be delineated on the record plat.
 6. Provide noise attenuation as follows:
 - a. Construct noise berms to attenuate current noise levels to not exceed 60 dBA Ldn for the outdoor rear yard area of homes located on either side of Richter Farm Road (A-297) and future Hoyles Mill Road (A-298);
 - b. Show design and final location of berms on signature set of site plans.
 7. Incorporate the following items into the final stormwater management and sediment control plans for EPD staff review and approval prior to MCDEP approval of the plans and issuance of permits:
 - a. Limits of disturbance for grading of stormwater management ponds 4 and 5 a minimum of 50 feet from the stream channels;
 - b. Sediment traps and associated grading outside of stream buffers except in the location of permanent ponds 4 and 5.

8. Signature set of plans to clearly show roadway improvements.
9. Final stream quality monitoring program to be approved prior to sign off of the signature set of plans. Final program to be based upon the parameters outlined in the staff draft document, "Water Quality Monitoring Program for Hoyles Mill Village", of May, 1995.
10. Applicant to enter into an agreement with Planning Board to conform to Approved and Adopted Germantown Master Plan, Appendix D guidelines and recommendations with respect to inspection of clearing, grading, and stabilization activities at the site and to inspection and maintenance of stormwater management facilities.
11. Storm drain along the stream valley at the end of proposed Tapwood Road East shall be relocated so that there is no disturbance within the designated stream valley buffer.
12. No clearing or grading prior to Planning Department approval of signature set of plans.
13. Compliance with Forest Conservation Plan. Prior to approval of signature set of site plans, revise Forest Conservation Plan to include:
 - a. Tree Protection Plan which incorporates the final locations of sediment and erosion control devices and stormwater management facilities;
 - b. Reforestation Planting Plan including planting of 2" caliper trees in reforestation areas along the stream channels adjacent to the stormwater quantity control ponds.
14. Agreement with the Planning Board to construct road improvements as follows:
 - a. Construct Hoyles Mill Road (A-298) as a two-lane road with an eight (8) foot bikepath, from the western property line north of Richter Farm Road (A-297) to twenty (20) feet east of the intersection of A-298 and Black Kettle Drive. This condition is contingent upon the construction of the adjacent development (Kings Crossing) by others. If the development is not constructed or near construction at the time the Hoyles Mill Village improvements are to be made, the developer will be required to grade the roadway and provide a Public Improvement Easement (PIE).
 - b. The developer shall be required to improve Hoyles Mill Road from the twenty (20) feet east of the intersection

of A-298 and Black Kettle Drive to Schaeffer Road. Discussions with the MCDOT have determined the developer may choose one of the following improvements, and still meet MCDOT requirements:

- 1) Widen Hoyles Mill Road to twenty (20) feet, providing a shoulder and drainage ditch on the southern side of the road.
- 2) Widen Hoyles Mill Road to twenty-one (21) feet, providing a rolled curb on the southern side of the road.



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Action: Approved Staff Recommendation with Modifications
(Motion of Comm. Baptiste, seconded by Comm. Aron, with a
vote of 4-0; Comms. Baptiste, Aron, Richardson and Hussmann
voting in favor, with Comm. Holmes being absent).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-88216
NAME OF PLAN: KING/HARGETT PROPERTY

On 08-16-88, GREENBERG GERMANTOWN L.P. , submitted an application for the approval of a preliminary plan of subdivision of property in the R200 zone. The application proposed to create 440 lots on 241.90 ACRES of land. The application was designated Preliminary Plan 1-88216. On 09-29-94, Preliminary Plan 1-88216 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 1-88216 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-88216, subject to the following conditions:

Previous Planning Board action on 6-30-94 approved 559 lots pursuant to the FY 94 Annual Growth Policy. The first phase approval for 459 lots was dependent on certain roadway improvements with 100 additional units approved under the Limited Residential Development Option for the FY 94 AGP. The adoption of the FY 95 AGP provided additional capacity for housing in the Germantown East Policy Area. The applicant is now requesting the approval of the remaining 10 units.

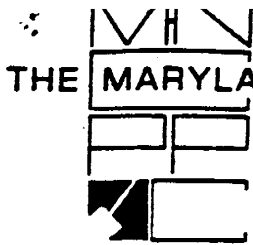
APPROVAL pursuant to the FY 94 Annual Growth Policy Alternative Review Procedures for Limited Residential Development, subject to:

- 1) Revise agreement with Planning Board to limit development to no more than 569 dwelling units as follows:
 - a) Enter into agreement with Planning Board providing for the payment of the Development Approval Payment to the Montgomery County Department of Finance for 100 units as required pursuant to the FY 94 AGP prior to receipt of building permits for the units

- Continued -

purpose of providing efficient circulation within the boundaries of the area of the project, not portions of A-297 that extend beyond this project to the east or west. The requirement to construct A-297 on Parcel 430 is predicated upon the availability of right-of-way, the acquisition of which (including cost thereof) is not the responsibility of applicant.

- 7) If prior to recordation of the first record plat (Condition No. 6), the final alignment of A-297 has not been determined, applicant shall enter into an easement agreement with the Planning Board providing for the placement of an easement as depicted on the preliminary plan. The purpose of the easement agreement is to provide for the no cost future dedication by applicant of the final alignment of A-297 within the easement area. When the final alignment is determined, the Planning Board shall release that portion of the area subject to the easement that does not fall within the alignment. Applicant shall have the right to reserve easements reasonably necessary for the development of the project not inconsistent with its intended use as an arterial roadway. If final alignment of A-297 is not decided, then at least 60 days prior to applicant's notice to staff of the intended submission of a site plan application for Phase II per the on-site phasing plan, staff shall return the preliminary plan to the Planning Board for the determination of the final alignment of A-297 within the easement area
- 8) Schaeffer Road must be removed from the rustic roads program by the County Council prior to site plan approval
- 9) Subject to Condition No. 6, standard access and roadway improvements as required to be approved by MCDOT and MDSHA. If agreement between applicant and MCDOT on said access and roadway improvements cannot be reached prior to submission of site plan, the staff shall return the preliminary plan to the Board for further consideration of this Condition No. 9
- 10) At site plan, particular attention will be focused on the detailed pedestrian system which must include sidewalks along one or both sides of open-section streets or waiver of the open section requirements. Dedication of additional right-of-way or perpetual easements may be necessary to implement sidewalks
- 11) Conditions of MCDEP stormwater management approval dated 11-2-93
- 12) Record plat to reflect delineation of 100-year floodplain, stream valley buffers and conservation areas
- 13) Final determination of the number, location and mix of single-family detached and single-family attached units for this project and with number of required MPDU's to be determined at site plan. A proportionate number of MPDU's must be included in each phase of development



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Action: Approved Staff Recommendations
(Motion of Comm. Baptiste, seconded by Comm. Richardson, with a vote of 3-0; Comms. Baptiste, Richardson, and Hussmann voting in favor with Comms. Aron and Holmes being absent).

MONTGOMERY COUNTY PLANNING BOARD OPINION

Mail date:

Preliminary Plan 1-88216R

NAME OF PLAN: KING HARGETT PROPERTY (REVISED 6/20/96)

On 08-16-88, GREENBERG GERMANTOWN L.P., submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application was subsequently revised to create 569 lots on 241.90 ACRES of land. The application was designated Preliminary Plan 1-88216. Previous Planning Board actions on 6/16/94 and 6/30/94 approved a total of 559 lots pursuant to the FY 94 Annual Growth Policy. The first phase approval for 459 lots was dependent on certain roadway improvements with 100 additional units approved under the Limited Residential Development Option for the FY 94 AGP. The adoption of the FY 95 AGP provided additional capacity for housing in the Germantown East Policy Area. The Planning Board approved an additional 10 units for the project on 9/24/94. This brought the total number of lots approved to 569.

On May 24, 1996, the applicant submitted a request to revise the previous conditions of approval to propose a revised phasing plan and to request an extension of the validity period. On June 20, 1996, the application was brought before the Planning Board. 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 as revised, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan #1-88216 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves the revision to the Preliminary Plan #1-88216, subject to the following conditions:

APPROVAL pursuant to the FY 94 Annual Growth Policy Alternative Review Procedures for Limited Residential Development, subject to:

- 1) **Revise agreement with Planning Board to limit development to no more than 569 dwelling units as follows:**
 - a) **Enter into agreement with Planning Board providing for the payment of the Development Approval Payment to the Montgomery County Department of Finance for 100 units as required pursuant to the FY 94 AGP prior to receipt of building permits for the units**
 - b) **Agreement with Planning Board to participate in the necessary roadway improvements as outlined in Transportation Division memo dated 12-8-93 (as revised) for 469 units and further clarified in applicants letter to the Transportation Planning Division dated 7/11/95**
- 2) **Final forest conservation plan to reflect revised site layout (including any modifications to A-297 and park-take areas) and to be reviewed and approved at site plan. Final forest conservation plan to conform to the EPD recommendations for approval of the preliminary forest conservation plan dated 12-6-93**
- 3) **At least 30 days prior to site plan application, applicant shall submit sediment and erosion control concept for EPD and MCDEP review and comment**
- 4) **At site plan applicant shall conform with requirements of Appendix "D" of the Germantown Master Plan. These measures to include, but not be limited to, an imperviousness restriction, water quality monitoring before, during and after construction, stream buffer criteria and suggested best management practices criteria. Use of best management practices shall be reviewed by M-NCPPC and MCDEP and approved by MCDEP**
- 5) **Final location of local park dedication to be coordinated with Park's Department prior to submission of site plan and finalized at site plan. In addition, compliance with Condition No. 2 as referenced in Parks Department memo dated 12-6-93 is also required**
- 6)
 - a) **Dedication for 70' right-of-way for Schaeffer Road, 100' right-of-way for A-297 and partial dedication for A-298 in accordance with preliminary plan drawing. Subject to Condition No. 7, dedication must be accomplished with recordation of the first record plat. On-site construction and phasing of A-297 to be in accordance with on-site phasing plan and may require participation by other projects. Extent of construction of A-298 from western property line to the intersection with Streets M/R to be determined prior to site plan for Phase III per on-site phasing plan. For remainder of A-298, the need for construction and/or participation will be determined with subsequent phase(s) requiring preliminary plan approval. Future engineering and design of A-297 to be coordinated with recommendations of master plan**
 - b) **Prior to release of building permits for Phase III, applicant with respect to A-297 to either initiate construction of (i.e. road "under construction") or enter into a Road Construction Participation Agreement to construct that portion of A-297 as it is proposed to pass through Parcel 430 (as more specifically shown on the**

approved preliminary plan - between Blocks N and W). This requirement to complete A-297 is for the purpose of providing efficient circulation within the boundaries of the area of the project, not portions of A-297 that extend beyond this project to the east or west. The requirement to construct A-297 on Parcel 430 is predicated upon the availability of right-of-way, the acquisition of which (including cost thereof) is not the responsibility of applicant.

- 7) If prior to recordation of the first record plat (Condition No. 6), the final alignment of A-297 has not been determined, applicant shall enter into an easement agreement with the Planning Board providing for the placement of an easement as depicted on the preliminary plan. The purpose of the easement agreement is to provide for the no cost future dedication by applicant of the final alignment of A-297 within the easement area. When the final alignment is determined, the Planning Board shall release that portion of the area subject to the easement that does not fall within the alignment. Applicant shall have the right to reserve easements reasonably necessary for the development of the project not inconsistent with its intended use as an arterial roadway. If final alignment of A-297 is not decided, then at least 60 days prior to applicant's notice to staff of the intended submission of a site plan application for Phase II per the on-site phasing plan, staff shall return the preliminary plan to the Planning Board for the determination of the final alignment of A-297 within the easement area
- 8) Schaeffer Road must be removed from the rustic roads program by the County Council prior to site plan approval
- 9) Subject to Condition No. 6, standard access and roadway improvements as required to be approved by MCDOT and MDSA. If agreement between applicant and MCDOT on said access and roadway improvements cannot be reached prior to submission of site plan, the staff shall return the preliminary plan to the Board for further consideration of this Condition No. 9
- 10) At site plan, particular attention will be focused on the detailed pedestrian system which must include sidewalks along one or both sides of open-section streets or waiver of the open section requirements. Dedication of additional right-of-way or perpetual easements may be necessary to implement sidewalks
- 11) Conditions of MCDEP stormwater management approval dated 11-2-93
- 12) Record plat to reflect delineation of 100-year floodplain, stream valley buffers and conservation areas
- 13) Final determination of the number, location and mix of single-family detached and single-family attached units for this project and with number of required MPDU's to be determined at site plan. A proportionate number of MPDU's must be included in each phase of development

- 14) No clearing, grading or recording of plat(s) prior to site plan approval
- 15) Other necessary easements
- 16) This preliminary plan has been approved in four different phases as follows:

Phase 1: Record plat(s) must be recorded for the first 160 dwelling units by February 7, 1997. This number includes 67 dwelling units approved under the limited residential development option (DAP) of the AGP. During this phase, applicant must dedicate Richter Farm Road (A-297) as part of the first plat(s) recorded.

Phase 2: Record plat(s) must be recorded for the remaining 33 dwelling units approved under the limited residential development option (DAP) by September 8, 1997. These units may be recorded during this phase, applicant must dedicate Hoyles Mill Road (A-298).

Phase 3: Record plat(s) must be approved for the next 266 dwelling units by February 7, 1999

Phase 4: Record plat(s) must be recorded for the final 110 dwelling units by February 7, 2000.

In addition, no building permits will be released by the Planning Board for any dwelling unit which exceeds the limit for the number of dwelling units served by a single access point, as established in Chapter 49 of the annotated Code. This will limit the number of dwelling units to be served by a single access to 75 for a tertiary street and 150 for a secondary street.