



MEMORANDUM

DATE: December 16, 2004
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Michael Ma, Supervisor *MA*
Development Review Division
FROM: Wynn E. Witthans, Coordinator *WW*
Development Review Division
(301) 495-4584



REVIEW TYPE: **Final Water Quality Plan and Site Plan Review**
CASE #: **8-03002A**
PROJECT NAME: **Clarksburg Village Phase I Amendment**
APPLYING FOR: Approval of 64 additional units for a total of 997 in Phase I
REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance
Section 19-64 for Final Water Quality Plan
ZONE: Total Project R-200/TDR-4, R-200/TDR-3, R-200 (this amendment) and PD-4.
LOCATION: Southwest Quadrant of the intersection of Stringtown Road and Piedmont Road
MASTER PLAN: Clarksburg and Vicinity Master Plan
APPLICANT: Elm Street Development Company, David Flanagan
FILING DATE: February 24, 2004
HEARING DATE: December 23, 2004

FINAL WATER QUALITY PLAN

STAFF RECOMMENDATION:

Staff recommends approval of the amended water quality plan for Site Plan # 8-03002A and Preliminary Plan #1-01030B subject to the following conditions:

1. Reforestation is to begin as soon as possible after the issuance by the Montgomery County Department of Permitting Services (DPS) issuance of grading permits, with

6. Recreation Facilities
Provide final calculations showing addition of tot lot and sitting area to Phase I calculations.
7. M-NCPPC Park Facility
The applicant shall comply with the original conditions of site plan 8-03002.
8. Transfer Development Rights (TDRs)
Prior to recording of plat, the applicant shall provide verification that 137 TDRs have been acquired for the proposed development.
9. Moderately Priced Dwelling Units (MPDUs)
The proposed development shall provide 108 MPDUs on-site in accordance with the Site plan #8-03002 approval that required the withholding of 231 market-rate building permits (30 MPDUs /13%) until building permits for the construction of the required MPDUs (offsite) in the next phase are released. MPDU construction within Phase I to be included in Phasing Plan.
10. Noise Attenuation
The applicant shall supply staff with a noise analysis that shows conformance to the original approval or the following standards:
 - a. Certification from an engineering firm that specializes in acoustical analysis, that the building shell for residential dwelling units to be constructed within the unmitigated 65 dBA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The certification from the acoustical engineer shall be reviewed and approved by M-NCPPC Environmental Planning staff prior to issuance of building permits. Any changes that may affect acoustical performance shall be approved by the acoustical engineer in advance of installation and M-NCPPC Environmental Planning staff prior to their implementation.
 - b. Applicant shall conduct an outdoor-to-indoor noise analysis of constructed units to ensure the 45 dBA Ldn interior noise level is achieved within the unmitigated 65 dBA Ldn contour after construction and shall present verification of noise levels to M-NCPPC Environmental Planning staff prior to occupancy of the residential units.
 - c. For all residential dwelling units to be constructed within the 65 dBA Ldn unmitigated noise contour, the applicant/developer/builder shall disclose in writing to all prospective purchasers that those homes are impacted by existing and future highway noise. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and with all Deeds of Conveyance. Notification shall be provided to M-NCPPC staff prior to issuance of any building permit.
- d. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated December 15, 2004.

e. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the [NUMBER]th (the same number used for completion of amenities) building permit that Applicants recorded Homeowners Association Documents incorporate by reference the Covenant.

f. Development Program

Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. Development Program shall include a phasing schedule as follows:

1. Street tree planting shall 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 the open space sitting and play areas and recreation facilities shall be completed prior to issuance of the 698th building permit.
3. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
4. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of adjacent units are completed.
5. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
6. Provide each section of the development with necessary roads.
7. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

g. Clearing and Grading

The Applicant may begin clearing and grading prior to M-NCPPC approval of signature set of plans only after the final Forest Conservation Plan and Sediment Control Plans have been approved. Signature set of plans shall be approved by M-NCPPC prior to issuance of any building permit or recording of plat(s).

h. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion.

- b. Undisturbed stream buffers as shown.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Forest Conservation easement areas.
- f. MPDU, TDR, and recreation facility calculations.
- g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.

SITE PLAN REVIEW ISSUES

I. Final Water Quality Plan

This amendment includes the addition of approximately 30 acres of land to site plan 8-03002 and preliminary plan 1-01030. The tract is located along Stringtown Road in Clarksburg between the previously approved Clarksburg Village and Clarksburg Highlands preliminary and site plan. The site is completely forested except for a strip of forest cleared for the construction of a WSSC sewer line to service the Clarksburg Town Center development. The property is zoned R-200. The proposed development of the site includes single-family detached units, townhouses, and associated infrastructure. The entire site is within the Clarksburg Special Protection Area.

The site is located within the Little Seneca Creek watershed. Water flows to the Town Center tributary, a first order tributary, and then directly to the Little Seneca Creek. The streams are designated as Use IV-P. The natural resource inventory for the 30-acre tract delineates the onsite environmental buffers, forests, steep and moderately steep slopes.

Water quality plans are required as part of the Special Protection Area regulations. Under the SPA law, Montgomery County Department of Permitting Services (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 water quality plan under their purview. The Planning Board responsibility is to determine if the site imperviousness, environmental guidelines for special protection areas, and forest conservation requirements have been satisfied.

FOREST CONSERVATION

The applicant is proposing to amend the previously approved preliminary and site plans by adding an additional 30 acres of land to the Clarksburg Village property. The final forest conservation plan for Clarksburg Village will also be amended with this approval.

The undeveloped site 30-acre tract includes 27.5 acres of forest. The applicant is proposing to remove 7.5 acres of forest from the tract and retain the remainder of the forest onsite. The total planting requirements for the Clarksburg Village final forest conservation plan will be modified and the forest planting amount will also change. The applicant has proposed to meet the forest conservation requirements for the entire Clarksburg Village development through a combination of forest retention, onsite forest planting of unforested portions of stream valley buffers, planting of upland areas and landscape credit. A five-year maintenance period is required for all forest plantings per the environmental guidelines.

SITE IMPERVIOUSNESS

There are no impervious limitations within the Clarksburg SPA. The impervious amount proposed for the additional 30-acre tract is less than 10 percent. Environmental Planning and the

applicant worked together to reduce the amount of forest loss, and impervious surfaces, to better protect the environment for this addition to the previously approved plan.

ENVIRONMENTAL GUIDELINES

The environmental guidelines for SPAs require examination of many tools to maximize achievement of site performance goals. For instance, the goal of protecting seeps, springs, and wetlands is better achieved with naturalized buffers surrounding these areas. The natural resource inventory for the Clarksburg Village site identified the environmental buffers, steep and moderately steep slopes, soil types, and priority forests. Environmental buffers include wetlands and wetland buffers, floodplains, and streams and stream valley buffers. The applicant will place forest conservation easements on the environmental buffers and all forests preserved outside of the environmental buffers.

SITE PERFORMANCE GOALS

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

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

STORMWATER MANAGEMENT

To help meet these performance goals, the stormwater management plan requires water quality control and quantity control to be provided through a system of linked best management practices (BMPs). Dry ponds, vegetated swales, dry swales, bioretention structures, sand filters, and infiltration/recharge structures will be used for stormwater management.

II. Site Plan Amendment

The site plan amendment modifies an existing approval for Phase I of Clarksburg Village – ultimately a 997 unit site plan in Clarksburg, Maryland. The first phase was approved in August 2003 for 933 units and is partially under construction. The amendment for 997 units removes an area of 9 single family detached homes, adds 30 acres (3 parcels), locates 64 townhouse units, and most remarkably, dedicates and builds a crucial link to the Clarksburg Greenway Trail system. With the addition of these parcels and the construction of the paths, the Clarksburg Greenway Trail will now be complete from Clarksburg Road to Ovid Hazen Wells Park and parts south.

Issues for the review included balancing the location of the new units with the recommended Master Plan Greenway width of about 600 feet with the environmental preservation of a stand of trees that were protected by a subdivision regulation to minimize tree removal in an areas of this soil type and slope The stormwater management facility location was also a concern. The issues here were exacerbated by the design for Stringtown Road and the grading and SWM area encroachments to the environmentally sensitive areas.

Applicant's Proposal

The applicant amended the application to reduce the impact to environmentally sensitive areas.

Community Position

No comment has been received from the community by staff regarding this proposal.

Staff Analysis/Position

As conditioned, the plan conforms to the subdivision requirements for steep slopes and forest preservation. The number of units and parking areas have been reduced from the initial submittal and their placement revised to create a more viable layout.

Focus of Report:

The following staff report will address the amendment area only. The remainder of the plan is unchanged from the first approval and the findings and conditions of approval remain as they have been approved.