

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.*

An approved development plan or a project plan is not required for the subject development.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the R-200 zone as demonstrated in the 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.*

- a. Buildings

The location of the townhouses creates a desirable relationship to the external streets of the neighborhood by facing front yards towards them. The orientation of units into courtyards makes the housing groups into identifiable neighborhood groups.

- b. Open Spaces

The plan proposes 18.50 acres of open space for the R-200 portion of the site beyond the 1.70 acres required. The open spaces are between units and along the perimeter of the property. The open space along with existing trees will provide a natural setting for the units and will provide for the continuation of the Clarksburg Greenway.

The proposed stormwater management concept consists of (1) on-site channel protection measures via underground storage; (2) on-site water quality control via storm filter and a water quality inlet pretreatment.

- c. Landscaping and Lighting

The landscaping concept adequately provides for an attractive, environmentally sound and functional project by providing shade, screens and buffers. The Plan also provides for the preservation of existing trees and incorporates them in to developed areas, creating environmental benefits of shade and less erosion. The street trees define the streets, provide a buffer between the units and the street and they provide for a pleasant walking environment. The foundation plants and open space accent plants will create an attractive separation between the units and the paved surfaces. The buffers will screen views to the street and views of the units providing separation and privacy as needed. In particular, the landscape plan

The activity associated with the proposed residential will not cause any negative effect on adjacent residential uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding 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 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 changed. 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, landscape credit. A five-year maintenance period is required for all forest plantings per the environmental guidelines.

APPENDIX

- A. Planning Board Opinion for Site Plan 8-03002
- B. Final Water Quality Approval Letter December 16, 2004
- C. Environmental Planning memo of December 16, 2004
- D. Site Plan Opinion 8-03002 December 18, 2003



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

December 16, 2004

Robert C. Hubbard
Director

Mr. Jeffrey Strulic, P.E.
Charles P. Johnson Associates, Inc.
1751 Elton Road
Silver Spring, Maryland 20903

Re: **Revised Final Water Quality Plan** for
Clarksburg Village-Phase I
SM File #: 200006
Preliminary Plan No.: 1-01030
Tract Size, Zone: 363 Ac., R-200/TDR-4,
R-200/TDR-3, R-200 and PD-4
Tax Plate: EW, EV, FV 123 and FV 122
Watershed: Little Seneca Creek

SPECIAL PROTECTION AREA

Dear Mr. Strulic:

Based on a review by the Department of Permitting Services Review Staff, the Revised Final Water Quality Plan (FWQP) for the above mentioned site is conditionally approved. This approval is for the elements of the Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The original approval for Phase I of the site consisted of 333 acres located on the east side of Stringtown Road across from the intersection with Clarks Crossing Drive. The revision is to add 30.5 acres of adjacent land for a total of 363.5 acres. The proposed zoning of the site is R-200/TDR-3 & 4, R-200 and PD-4. The development will consist of mixed residential (single-family detached, townhouses, and multi-family units) along with the associated infrastructure. This site is located in the Clarksburg Special Protection Area (SPA) of the Little Seneca Creek Watershed.

Stormwater Management: Water quantity control for this site will be provided via several dry ponds. These structures will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours per state standards. Quality control will be provided via a treatment train that consists of vegetated conveyance swales, dry swales (vegetated swales underlain with infiltration structures), bioretention structures, surface sand filters, structural sand filters and infiltration/recharge structures. Non-structural measures for the backs of some lots that are draining to the stream valley buffer have also been used. In areas where open section roads are not feasible, additional water quality measures are required to offset the lost benefits that open section roadways provide. These offsetting measures include maximizing the sand surface area in the surface sand filters (sand on the entire footprint), providing structural pretreatment prior to all filtering structures and providing additional recharge volume. Areas that are intended for vehicular use are to be pretreated prior to entering filtration and infiltration structures. The water quality structures must be sized to treat a minimum of one-inch over the proposed impervious area without subtracting the recharge volume.



Sediment Control: Redundant sediment control structures are to be used throughout the site. These are to include upland sediment traps which drain to secondary traps down grade, or when this is not feasible sediment traps with forebays will be acceptable.

All sediment trapping structures are to be equipped with dewatering devices. Also, due to the sensitive nature of the watershed coupled with the large amount of proposed development, the use of flocculants will be required in the detailed sediment control plan. The following features are to be incorporated into the detailed sediment control plan:

1. The earth dikes that feed the sediment traps are to be constructed using trapezoidal channels to reduce flow rates.
2. The site grading shall be phased whenever possible to limit disturbance and immediate stabilization is to be emphasized.
3. Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance.

Performance Goals: All of the previously established performance goals still apply. They are as follows:

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

Monitoring: The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS and those responsible for conducting the monitoring to establish the monitoring parameters. **The pre-construction monitoring must be completed prior to the issuance of a sediment control permit.** The original requirements for during construction and post construction monitoring titled "Description of Monitoring Requirements" are still applicable.

Per the original approval the "during construction" monitoring requirements are to last through the construction phase of the development, and the "post construction" monitoring will last for five years after construction is complete.

Conditions of Approval: All of the conditions of the original approval still apply. The following are additional conditions which must be addressed in the next submission of a detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the review:

1. Provide an easement for the stormwater management requirements that are needed for Stringtown Road along the length of the new property frontage.
2. Surface sand filter "U" is to be a dual cell structure.
3. Provide a safe outfall for SWM pond "U" so that it doesn't impact the Greenway trail. This may require a culvert under the trail or extending the outfall beyond the trail (to be coordinated with MNCPPC).
4. Show that the recharge requirements have been met for the added land (30.5 acres).
5. Due to the large amount of development activity in this area, the developer is required to provide a full-time third-party sediment control inspector.

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:CN200006

cc: C. Conlon
M. Pfefferle
L. Galanko
D. Marshall
SM File # 200006

Qn on-site 363.5 ac.
Ql on-site 363.5 ac.



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**
Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Wynn Witthans, Planning Coordinator, Development Review
Cathy Conlon, Acting Supervisor, Development Review
FROM: Mark Pfefferle, Planning Coordinator, Environmental Planning *MP*
DATE: December 16, 2004
SUBJECT: Water Quality Amendment
PROJECT NAME: Clarksburg Village
SITE PLAN: 8-03002A
PRELIMINARY PLAN: 1-01030B

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 appropriate phasing to allow for the construction of sediment and erosion control structures.
2. Conformance to the conditions as stated in the DPS letter approving the elements of the SPA water quality plan under its purview.

BACKGROUND

This amendment includes the addition of approximately 30 acres of land to site plan 8-03002 and preliminary plan 1-01030. The 30-acre 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 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, 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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Executive Director

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: December 18, 2003

SITE PLAN REVIEW #: 8-03002

PROJECT NAME: Clarksburg Village

Action: Approval subject to conditions. Motion was made by Commissioner Bryant seconded by Commissioner Perdue, with a vote of 5-0, Commissioners Berlage, Bryant, Robinson, Perdue and Wellington voting for, and no Commissioners voting against.

The date of this written opinion is December 18, 2003, (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 January 18, 2004 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed this Site Plan shall remain valid for as long as Preliminary Plan #1- 01030 is valid, as provided in Section 59-D-3.8.

On July 31, 2003, Site Plan Review #8-02038 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

- 1. The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required;*
- 2. The Site Plan meets all of the requirement of the R-200, R-200/TDR-3, R-200/TDR-4 and PD-4 zones, and is consistent with an urban renewal plan approved under Chapter 56;*
- 3. The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

RECEIVED
DEC 19 2003
BY:

- Each structure an 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;
- 6. The Site Plan meets all applicable requirements of Chapter 19 regarding water resource protection

Therefore, the Montgomery County Planning Board APPROVES Site Plan #8-03002 for the following:

FINAL WATER QUALITY APPROVAL FOR SPECIAL PROTECTION AREA

Approval of Final Water Quality Plan for Site Plan # 8-03002 with 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 appropriate phasing to allow for the construction of sediment and erosion control structures.
- 2. Conformance to the conditions as stated in the DPA letter dated July 18, 2003 approving the elements of the SPA water quality plan under its purview, attached.

DRC.Montrose Crossing.dec103

SITE PLAN

STAFF RECOMMENDATION: Approval of 471 SFD, 414 Townhouses (inclusive of 44 MPDU Townhomes) and 48 MPDU Multifamily homes inclusive of a total of 92 MPDU's and 144 TDR's with the following conditions to be met prior to signature set:

1. Park School Site

The school/park site off of A-305 within the Phase I site plan area, shall be dedicated as follows:

- a. The ball-field area (approximately 3 acres) at the north end shall be dedicated to M-NCPPC at the time of record plat for Phase I Site Plan. The site will be graded by the Applicant simultaneous with the construction of A-305, surfaced with topsoil, fine graded to a maximum of +/- 6" over 100', and seeded as appropriate for ball field cover.

- b. The remainder of the site, the approximately ten acre "School Site", to the south shall either be conveyed in fee simple to M-NCPPC or other party as directed by M-NCPPC at the time of record plat for Phase I Site Plan. MNCPPC shall convey to MCPS fee simple title to the School Site if and when MCPS selects the School Site for a public school facility and establishes a construction project in the Board of Education's Capital Improvement Plan. The Applicant shall grade the School Site simultaneously with the construction of the A-305 and provide for quantity control for MCPS.

2. Lighting and Landscaping Plan

Staff to review the final landscape plans for adequacy of buffer along A-305 and inclusion of native plant. Staff to review final lighting plans for private streets and driveways and garages for conformance to IESNA guidelines for reducing light pollution.

3. Environmental Planning

- a. All residential units that will be subject to projected future exterior noise levels equal or exceeding 65 dBA Ldn, must be constructed to meet the 45 dBA Ldn interior noise standard.

Certification from an acoustical engineer that the building shell of impacted buildings along A-305 has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. Certification shall be distributed to M-NCPPC technical staff for review prior to release of building permit.

The builder shall construct these units in accord with acoustical design specifications, with any changes that may negatively affect acoustical performance approved by an acoustical engineer and M-NCPPC staff in advance of installation.

Prior to occupancy, the builder must certify, via written notice to M-NCPPC staff, that the residential units are constructed in accordance with the acoustical design specifications as identified.

All residential units that are subject to projected future exterior noise levels equal or exceeding 65 dBA Ldn shall be protected with exterior noise attenuation fencing.

- b. SWM waiver of open section streets within Special Protection Areas
- c. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.

4. Division of Permitting Services

- a. SWM Memo - Conditions of DPS Stormwater Management Concept approval letter dated July 18, 2003.
- b. Streets and Paving Memo of June 24, 2003.

5. Affirmation of Waiver of Subdivision Standards

- a. The Planning Board approves the waivers shown previously and are specified here as:
 1. Section 50-26 (h)(3) Waiver of Sidewalk one side of street for Cool Valley Ct and Tulip Tree Terrace
 2. Section 50-26(e)(3) – 25 Ft Truncation to radius truncation
 3. Section 50-26-(a)(1) Max block length of 1,600 ft – One Block at Rainbow Arch Drive and Robin Song Drive is longer
 4. Section 50-29(a)(2) –SFD Unit frontage on Public Street – for courtyards
 5. Section 50-29(a)(3)lot lines perpendicular to ROW – at radius
 6. Section 59-C-(a)(4) allow more than one unit on lot – for attached TH's (piggybacks)

6. Block Design Standards

For all single family lots less than 60 feet width at the building restriction line with front load garages, the following restrictions apply:

1. No house elevations or colors will be the same as any home on either side or across the street.
2. A minimum of 20% and a maximum of 70% of the homes will have a brick or stone front.
3. A minimum of 30% of the homes will have a front porch of at least 15 feet in width.
4. No more than 50% of the homes shall have garages which project closer to the street than the front wall or porch of the home. Homes with this type of elevation may be built only two in a row.
5. Homes with the same elevation and color shall not be built within sight of each other.

7. M-NCPPC Parks Greenway Trail

- a. Applicant to construct an 8-foot wide asphalt/boardwalk hiker/biker trail in the Clarksburg Greenway on the property applicant currently owns. The alignment will follow the route established by the Clarksburg Greenway Facility Plan and be

constructed to park standards and specifications. The Applicant will provide necessary bridges and boardwalk per the Facility Plan or as approved by Park staff.

- b. Applicant will construct the portions of the hiker/biker trail from Stringtown Road east to Newcut Road and north to the Greenway Village Property that are not on applicant's property, provided that M-NCPPC acquires the ownership or easement rights across the needed property along the trail alignment and funds the proportionate cost to Applicant for construction of these additional sections of trail.
- c. Applicant will construct Foreman Boulevard to allow for grade separated crossing for the hiker/biker Greenway Trail. The trail crossing should be constructed to accommodate the trail under the road without changing the natural location, configuration or composition of the stream channel, and should be located to minimize flooding of the trail and minimize surface water runoff from the paved trail directly into the stream. Trail crossing to meet the "staff guidelines" as set out in the attached Meeting Summary of March 18, 2002, attached, unless otherwise agreed to by M-NCPPC staff and Applicant. Due to the substantial length of the trail under Foreman Boulevard, Applicant to install adequate lighting along the trail under the road. Final trail/road crossing details to be submitted to M-NCPPC staff for approval.
- d. The property within the delineated Clarksburg Greenway along Little Seneca Creek and Little Seneca Tributary will be dedicated to M-NCPPC and the hiker/biker trail constructed or clearly delineated and marked prior to construction of the residences that abut the Greenway. Dedication to be made at time of record plat and boundaries to be clearly staked to delineate between parkland and private property. Dedicated property to be transferred free of trash and unnatural debris.
- e. The entire school/park site on Snowdens Mill Parkway, including the ball field area at the north end, will be graded by Applicant, surfaced with topsoil, fine graded to a maximum of +/- 6" over 100', and seeded as appropriate for ball field cover.

8. Signature Set Documentation

Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to release 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) 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 each facility is completed.
- 5) Clearing and grading to correspond to the construction and infrastructure phasing.
- 6) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features.
- 7) Noise attenuation design completed and accepted by M-NCPPC technical staff prior to release of building permits.
- 8) Site plan #8-03002 will withhold 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.
- 9) Greenway dedication with record plat and trail construction prior to unit construction
- 10) Park School dedication

- b. Signature set of site, landscape/lighting, forest conservation and sediment and erosion Control plans to include for M-NCPPC technical staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
- 1) Limits of disturbance.
 - 2) Methods and locations of tree protection.
 - 3) Forest Conservation areas.
 - 4) Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - 5) The development program inspection schedule and Site Plan Opinion.
 - 6) Conservation easement boundary.
 - 7) Streets trees 40 or 50 feet on center along all public streets.
 - 8) Centralized, screened trash areas for all multi-family and one-family attached units except townhouses.
 - 9) Units to conform to zoning restrictions.
- c. No clearing or grading prior to M-NCPPC approval of signature set of plans unless authorized by Infrastructure Plan or other approvals.