

MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: August 1, 1995

SITE PLAN REVIEW #8-95027

PROJECT: HOYLES MILL VILLAGE SECTION 1

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, Gateway 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 #8-95027.

On June 1, 1995, Site Plan Review #8-95027 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 #8-95027 as follows:

Staff recommends APPROVAL of Site Plan #8-95027 for 310 units including 153 single family detached units and 157 townhouses (including 43 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.

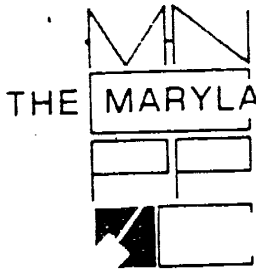
- d. Homeowners Association Documents to include provisions for inspection and maintenance of SWM facilities per the Approved and Adopted Germantown Master Plan recommendations and guidelines, Appendix D.

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);
 - 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 1, 2, and 3 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 1, 2, and 3.

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. No clearing or grading prior to Planning Department approval of signature set of plans.
12. 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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring Maryland 20910-3760

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

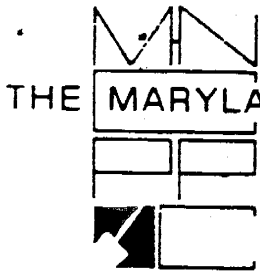
phasing of required roadway improvements;

- 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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: August 1, 1995

SITE PLAN REVIEW #8-95027

PROJECT: HOYLES MILL VILLAGE SECTION 1

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, Gateway 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 #8-95027.

On June 1, 1995, Site Plan Review #8-95027 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

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

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. No clearing or grading prior to Planning Department approval of signature set of plans.
12. 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.



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: February 26, 1999

SITE PLAN REVIEW: #8-95027A and #8-95030A

PROJECT: Hoyles Mill Village

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Purdue, with a vote of 4-0, Commissioners Bryant, Holmes, Hussmann, and Perdue voting for. Commissioner Richardson was absent.

The date of this written opinion is February 26, 1999, (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 March 28, 1999, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this site plan shall remain valid for as long as Preliminary Plan #1- 1-88216R is valid, or until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On January 21, 1999, Site Plan Review #8-95027A and # 8-95030A 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 and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the zone in which it is located;
3. The locations of the buildings and structures, the open spaces, the landscaping, 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.

The Montgomery County Planning Board APPROVES Site Plan Review #8-95027A and #8-95030A which consists of Phase I : 159 SFD, 114 Townhouses and 43 MPDU Townhouses and Phase II : 225 SFD and 38 MPDU Townhouses for a total of 579 dwelling units subject to the following conditions:

1. The conditions of approval that were part of the original approvals for Site Plan #8-95027 and #8-95030 remain in effect with this amendment.
2. Along Schaeffer Road in the area where house locations have been deleted, the proposed berms shall be 5 to 6 feet above street grade or equivalent height to satisfy noise attenuation requirements for the rear yards of the proposed Hoyles Mill Village. The berms shall be naturalistic in appearance with varied height and width and not linear or block-like. Landscaping shall provide buffering to the housing within the proposed subdivision and its design and placement shall be coordinated with any proposed Schaeffer Road landscaping, if feasible due to timing.



MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: September 27, 2001
SITE PLAN REVIEW #: 8-95030C
PROJECT NAME: Hoyles Mill Village, Section II

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Perdue, with a vote of 4-0, Commissioner Holmes, Bryant, Perdue, and Wellington voting for.

The date of this written opinion is September 27, 2001, (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 October 26, 2001 (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 #1-01063 is valid, as provided in Section 59-D-3.8. shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On September 13, 2001, Site Plan Review 8-95030C 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 the approved development plan or a project plan for the optional method of development if required;*
- 2. The Site Plan meets all of the requirements of the R-200 zone;*
- 3. The location of the buildings and structures, the open spaces, the landscaping, and the pedestrians 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;*

- MNCPPC Environmental Planning staff on a case-by-case basis provided any additional impervious surface is accounted for as part of the overall imperviousness limit. All sales contracts must disclose to buyers that these dimensions are imposed as a condition of the Planning Board approval.
- e. Before issuance of the 57th building permit, applicant shall record in the land records a disclosure of the imperviousness limits and monitoring requirements. The disclosure is intended to give notice to other builders and/or developers in the event of a sale of lots by the Applicant. The disclosure shall be reviewed and approved by Commission legal staff before recordation.
 - f. Applicant shall provide each prospective homebuyer with a site plan that clearly illustrates house setback and sidewalk locations.
 - g. The final sidewalk location shall be identified by signage on all model home lots. A contract disclosure acknowledging that the purchaser has been advised of the final sidewalk location shall be signed by each contract purchaser as part of the contract.
4. Submit a Site Plan Enforcement Agreement, Development Review 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 (156 permits) of each phase of the development.
 - 3) Clearing and grading to correspond to the construction phasing, to minimize soil erosion.
 - 4) Coordination of each section of the development and roads.
 - 5) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, and impervious cap monitoring schedule.
 - b. Site Plan Enforcement Agreement to delineate impervious cap monitoring schedule and plan as set forth in Office of General Counsel letter (Rosenfeld to Sears, dated December 6, 2000).
 5. 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.
 - 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.