

## **APPENDIX A**



**Date Mailed: December 17, 2002**

**Action:** Approved Staff Recommendation

**Motion** of Comm. Bryant, seconded by  
Comm. Wellington with a vote of 5-0;

Comms. Berlage, Bryant, Perdue,  
Robinson and Wellington voting  
in favor

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan 1-02063

NAME OF PLAN: FRALEY PROPERTY

On 12/11/01, The BOZZUTO GROUP submitted an application for the approval of a preliminary plan of subdivision of property in the R-90/RT-12.5 zone. The application proposed to create 42 lots on 4.5385 acres of land. The application was designated Preliminary Plan 1-02063. On 11/07/02, Preliminary Plan 1-02063 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 1-02063 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02063.

Approval of 34 Single Family Attached Units only in the existing RT-12.5 Zone at this time (the remaining development shall not be approved until adoption of the Upper Rock Creek Sectional Map Amendment), Including Waiver of Over-length Cul-de-Sac, and Reduced Width Tertiary Road, and Subject to the Following Conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Upper Rock Creek Master Plan unless otherwise designated on the preliminary plan
- 3) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Upper Rock Creek Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition
- 4) Record plat to provide for dedication of the variable width right-of-way for Muncaster Mill Road (MD 115) as shown on the approved preliminary plan. Final dedication to be approved prior to recordation of plat(s)

- 5) Record plat to reflect common ingress/egress easements over all shared driveways
- 6) Record Plat to reflect all areas under Homeowners Association ownership and Stormwater Management areas
- 7) Area of right-of-way dedication and new parking lot on Parcel 479 (House of Worship property) to be recorded by plat prior to issuance of building permits
- 8) Compliance with the conditions of MCDPS stormwater management approval
- 9) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s) and MDSHA prior to issuance of access permits
- 10) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 11) Final approval of the number and location of dwelling units, sidewalks, and bikepaths will be determined at site plan
- 12) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 13) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 15) Other necessary easements



**Date Mailed: October 15, 2003**

**Action:** Approved Staff Recommendation

**Motion** of Comm. Bryant, seconded by  
Comm. Perdue with a vote of 5-0;

Comms. Berlage, Bryant, Perdue,  
Robinson and Wellington voting  
in favor

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan 1-02063A

NAME OF PLAN: FRALEY PROPERTY

On 6/17/03, THE BOZZUTO GROUP submitted an application for the approval of a preliminary plan of subdivision of property in the RT-12.5/R-90 zones. The application proposed to create 32 lots on 6.22 acres of land. The application was designated Preliminary Plan 1-02063. On 9/11/03, Preliminary Plan 1-02063A 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 1-02063 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02063A.

Approval, to revise the previous conditions of approval as follows:

- 1) Approval of 32 Single Family Attached Units only in the existing RT-12.5 Zone at this time (the remaining development shall not be approved until adoption of the Upper Rock Creek Sectional Map Amendment and Planning Board approval of preliminary plan and site plan
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 3) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Upper Rock Creek Master Plan unless otherwise designated on the preliminary plan
- 4) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Upper Rock Creek Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition
- 5) Record plat to provide for dedication of the variable width right-of-way for Muncaster Mill Road (MD 115) as shown on the approved preliminary plan. Final dedication to be approved prior to recordation of plat(s)
- 6) Record plat to reflect common ingress/egress easements over all shared driveways

- 7) Record Plat to reflect all areas under Homeowners Association ownership and Stormwater Management areas
- 8) Compliance with the conditions of MCDPS stormwater management approval
- 9) Compliance with conditions of MCDPWT letter dated, August 28, 2003 unless otherwise amended
- 10) Access and improvements as required to be approved by MDSHA prior to issuance of access permits
- 11) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 12) Final approval of the number and location of dwelling units, sidewalks, and bikepaths will be determined at site plan
- 13) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 14) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 15) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 16) Other necessary easements

MONTGOMERY COUNTY PLANNING BOARD

OPINION

**DATE MAILED:** October 20, 2003

**SITE PLAN REVIEW #:** 8-03030

**PROJECT NAME:** Fraley Property

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*Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Robinson, with a vote of 5-0, Commissioners Berlage, Bryant, Robinson, Perdue and Wellington voting for. All Commissioners were present.*

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The date of this written opinion is October 20, 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 November 20, 2003 (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 #1-02063R is valid, as provided in Section 59-D-3.8.

On September 11, 2003, Site Plan Review #8- 03030 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 RT-12.5 zone, and is consistent with an urban renewal plan approved under Chapter 56, if required;*
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;*
4. *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 #8-03030, which consists of 32 townhouses on 6.22 acres, subject to the following conditions:

1. Lighting and Landscaping Plan

- a. Recreation Facility – two additional sitting areas shall be added to have supply exceed demand on the site.
- b. Additional Planting – the open space areas shall have increased shrub plantings to better delineate public versus private spaces.

2. Environmental Planning

- a. Certification from an acoustical engineer that the building shell of impacted buildings has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The builder commits to construct these units in accordance with the acoustical specifications identified in the August 29, 2003 noise analysis. Any changes that may affect acoustical performance must be approved by the acoustical engineer and reviewed by staff in advance of installation.
- b. Applicant to conduct an outdoor-to-indoor analysis for impacted units as recommended in the August 29, 2003 noise analysis after construction and will present verification of noise levels to staff prior to occupancy.
- c. Compliance with the conditions of approval for the final forest conservation plan. The applicant must satisfy all conditions of the forest conservation plan prior to recording of plat(s).
- d. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.

3. Division of Permitting Services

- a. SWM Memo - Conditions of DPS Stormwater Management Concept approval letter dated October 24, 2002.

4. Signature Set Documentation

- a. 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:

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) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths or other features.
- 6) Noise attenuation to be completed and accepted by M-NCPPC technical staff prior to release of building permits.

- 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):

- a. Limits of disturbance.
- b. Methods and locations of tree protection.
- c. Forest Conservation areas.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. The development program inspection schedule and Site Plan Opinion.
- f. Streets trees 50 feet on center along all public streets and as shown.

- b. No clearing or grading prior to M-NCPPC approval of signature set of plans.

5. Planning Board finding for reduction of Setback per Section 59-C-1.732, Footnote 1

The Planning Board finds this proposed layout a more desirable form of development than the standard setback and approves this configuration with the front yard setbacks as shown as allowed in Section 59-C-1.731.



6. Historic Preservation

The final landscape plans shall show the location of a historic plaque on the proposed open space-recreation area on the subject property that illustrates the historic context of the site. Prior to the release of signature set, the plaque should be designed by HPC staff and financed by the developer. The developer shall erect the sign at the time of construction of the recreation area. Additionally the applicant shall conform to the HPC approval of October 23, 2002 that requires that the building materials from the existing buildings on (that have been and are proposed for demolition) shall be identified for historic materials for salvage and donations for reuse.