

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The proposed pool house and community center building is to be used by the Greenway Village community for various recreation and social activities. Its architectural design reflects the residential character of the surrounding neighborhood, and is compatible with the surrounding uses.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The proposed changes to the pool house and the community center do not affect the approved Forest Conservation Plan for the overall development.

VI. PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Site Plan Review #8-02036A for relocation of the proposed pool house and modification of the design of the pool house to add a second floor for a 2,000-square-foot community center within Phase II of the development in the PD zone with the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 1-02033A for Greenway Village at Clarksburg as listed in the Planning Board opinion dated November 7, 2002.
2. Conformance with Prior Site Plan Approval
The proposed development shall comply with the conditions of approval for Site Plan 8-02036 as listed in the Planning Board opinion dated October 16, 2002, unless modified by the subject amendment.
3. Lighting
 - a. Provide a lighting distribution and photometric plan for the subject park area with summary report and tabulations to conform to IESNA standards for residential development.
 - b. All light fixtures shall be full cut-off fixtures.
 - c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.

4. Community Center

- a. The proposed community center shall be available for business and community activities promoted by any Homeowner Association, Condominium Association, or similar non-profit organization located in Clarksburg, Maryland. The use of the proposed community center by such organizations for their business meetings shall be rent free.
- b. The governing body of the Arora Hills Homeowners' Association, in coordination with the Clarksburg Civic Association, shall establish procedures for the reservation of time by other organizations identified in 4. a. above to use the Community Center on a first-come first-served basis. It may also establish other reasonable rules and regulations for the use of the center.
- c. A notice board shall be available in the center for the posting of community notices.

5. Recreation Facilities

Prior to 85 percent occupancy of Phases I and II of the development or June 1, 2006, whichever comes first, the proposed pool house/community center, shall be completed and operational.

6. Moderately Priced Dwelling Units (MPDUs)

The proposed development shall provide 12.5% MPDUs on site.

7. Development Program

Applicant shall amend the approved Site Plan Enforcement Agreement and the Development Program for Site Plan 8-02036 to reflect the proposed amendment prior to approval of the signature set of site plan.

8. 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:

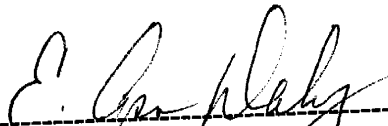
- a. Show limits of disturbance.
- b. Provide two bike racks.
- c. Identify all of the proposed plant materials.
- d. Provide required MPDUs.

[CERTIFICATION OF BOARD APPROVAL ON SUBSEQUENT PAGE]

MR 11/15/05
Approved for legal sufficiency
M-NCPPC Office of General Counsel

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, November 17, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission by unanimous consent, with the five Commissioners present, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Site Plan No. 8-02036A, Greenway Village at Clarksburg.**



Certification As To Vote of Adoption
E, Ann Daly, Technical Writer



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: September 28, 2004

SITE PLAN REVIEW #: 8-04022

PROJECT NAME: Final Water Quality Plan and Site Plan Review for
Greenway Village Phases 3, 4 and 5

Action: Approval with Conditions. A motion was made by Commissioner Robinson and seconded by Commissioner Bryant with a vote of 4-0. Commissioners Berlage, Bryant, and Perdue and Wellington voted for, and no Commissioners voting against. Commissioner Wellington was necessarily absent.

The date of this written opinion is September 28, 2004, (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 28, 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 #1-02033 is valid, as provided in Section 59-D-3.8

On July 22, 2004, Site Plan Review # 8-04022 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 PD-4 zone, 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;*
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;*
6. *The Site Plan meets all applicable requirements of Chapter 19 regarding water resource protection.*

Therefore, the Montgomery County Planning Board APPROVES Site Plan #8-04022, 277 one-family detached dwelling units, 371 townhouses, 196 multi-family dwelling units, including 118 MPDUs on 209.27 acres as follows:

SPECIAL PROTECTION AREA – FINAL WATER QUALITY PLAN

Approval of the Final Water Quality Plan subject to the following conditions:

1. Conformance to the conditions as stated in the Department of Permitting Services letter of June 17, 2004 approving the Final Water Quality Plan.
2. Compliance with the conditions of the Final Forest Conservation Plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.

SITE PLAN REVIEW

Approval of 277 one-family detached dwelling units, 371 townhouses, 196 multi-family dwelling units, including 118 MPDUs; on 209.27 acres; with the following conditions:

1. Approval Documentation

- A. 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 of each phase of the development.
 - 3) Landscaping associated with open spaces and street shall be completed as construction of surrounding homes is completed.
 - 4) Pedestrian pathways and seating areas associated with each recreation area shall be completed as construction of surrounding homes is completed.
 - 5) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
- B. 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. Limits of disturbance.
 - b. Methods and locations of tree protection.
 - c. Forest Conservation areas.
 - d. Conditions of DPS Stormwater Management Concept approval letter dated June 17, 2004.
 - e. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - f. The development program inspection schedule.
 - g. Conservation easement boundary.
 - h. Streets trees 40 and 50 feet on center along all public streets.
 - i. Centralized, screened trash areas for all multifamily units except townhouses.

2. Environmental Planning

- A. Compliance with the conditions of the final forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits
- B. Record plat to reflect a Category I conservation easement over all areas of stream buffers and forest conservation.
- C. The priority for reforestation shall be first within the same watershed and inside the Clarksburg SPA, then within the Clarksburg SPA, and finally within the same watershed but outside of the SPA. If a planting site does is not available within the locations mentioned above the applicant may use the fee-in-lieu option to meet the offsite planting requirements.

- D. Reforestation of the stream buffer is to begin in the first planting season after the issuance of the first grading permit by the Montgomery County Department of Permitting Services (DPS).
- E. No encroachment into stream buffers for stormwater management facilities, or sediment control facilities, is allowed without permission of the Planning Board, except for necessary outfalls and temporary sediment control facilities in non-forested portions of stream buffers. If at later stages of stormwater review and design it is determined that a stormwater management facility is not properly sized and it must be enlarged to accommodate the proposed drainage areas the applicant will have to find additional space outside of the stream buffer. This may mean the reconfiguration of site layout and loss of developable area outside of stream buffers.
- F. Applicant to prepare and submit a complete noise analysis identifying the 60 and 65 dBA Ldn noise contours and method necessary to attenuate exterior noise levels to 60 dBA Ldn for the useable portion of the residential lots.
- G. Certification from an engineering firm experienced in acoustical analyses that the building shell for residential dwelling units, to be constructed within the unmitigated 60 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 engineering firm must be reviewed and approved by Environmental Planning prior to issuance of building permits. An acoustical engineering firm and Environmental Planning must approve changes suggested after issuance of the building permit and prior to their implementation.
- H. Applicant to conduct an outdoor-to-indoor noise analysis, upon completion of the residential units and prior to occupancy, to ensure the 45-dBA Ldn interior noise level is achieved prior for the residential units within the unmitigated 60-dBA Ldn contour. Copies of the information must be submitted to Environmental Planning.
- I. For all residential dwelling units to be constructed within the 60-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 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.
- J. The Applicant may begin clearing and grading prior to M-NCPPC approval of signature set of plans only after the Forest Conservation Plan and Sediment Control Plans have been approved.

3. M-NCPPC Parks

- A. Applicant to dedicate to M-NCPPC the areas identified on the Site Plan as Park 6, Park 11 and Park 19. Dedication of Park 6 and Park 11 not to include any stormwater management ponds or facilities. Land to be conveyed by time of record plat for the project areas that include the dedicated parkland and adjacent roads and lots. Dedicated property to be conveyed free of trash and unnatural debris and the boundaries to be adequately staked and signed to delineate between private properties and parkland.

- B. Applicant to engineer and construct the master planned 8' wide, hard surface Greenway Trail from the southern boundary of Park 6, through the parkland along the east side of the Little Seneca Tributary, to Skylark Road at the intersection of Skylark Road and Arora Hills Drive. Trail to cross Skylark Road at the intersection and continue along the approximate alignment of the original Skylark Road to connect with the trails in Ovid Hazen Wells Recreation Park. Exact location of trail alignment and construction specifications to be coordinated with, and approved by M-NCPPC staff in coordination with Special Protection Area guidelines. Greenway Trail to connect at the southern end with the Greenway Trail being constructed pursuant to the Clarksburg Village development.

- C. Applicant to engineer and construct an 8' wide, hard surface trail through Park 6 to connect between Cypress Spring Road and the Greenway Trail, with a connection to Arora Hills Drive, said trail to include bridge and boardwalk as determined to be necessary by M-NCPPC staff in coordination with Special Protection Area guidelines. All engineering and trail layout plans to be approved by M-NCPPC staff in coordination with Special Protection Area guidelines. Trails to be constructed to park standards and specifications and to include adequate signage.

- D. Applicant to engineer and construct, to park standards and specifications, on dedicated Park 19 and adjacent parkland currently a part of Ovid Hazen Wells Recreation Park, the following Local Park facilities and amenities:
 - 1. One adult sized baseball field and one adult sized softball field with appropriate fencing, backstop, benches, grading, seeding and landscaping as determined by M-NCPPC staff to meet current park field standards and specifications. Exact size of baseball fields to be determined by M-NCPPC staff.

 - 2. Adult sized basketball court at least 56' x 92' with poles, backboards, hoops, nets, court surfacing and benches as determined by M-NCPPC staff to meet current park standards and specifications.

 - 3. Two (2)-picnic shelters sized to accommodate at least 4 picnic tables with 4 picnic tables installed per shelter.

4. A centrally located water line with at least 1 ½ inch diameter and hose/irrigation system connections from said water line to each baseball field. Drinking fountain to also be installed at central location. Location of fountain and hose/irrigation system connections to be coordinated with M-NCPPC staff.
 5. Raised, grass playing and sports viewing berms/knolls at locations to be determined by M-NCPPC staff.
 6. A multi-age play area with play equipment, multi-height pergola, structures and seating to be determined by M-NCPPC staff.
 7. A centrally located linear grass mall/green boulevard area with 10' wide paved walkways on both sides, seating, decorative stamped/colored concrete paving areas, bollards and/or stone piers, and a central feature(s) such as a pavilion, kiosk or other focal structure. Choice and details of structures and features to be determined by M-NCPPC staff in coordination with Special Protection Area guidelines.
 8. Curved parking lot for 116 cars with tree islands interspersed throughout and curbing and wheel stops as acceptable to M-NCPPC staff.
 9. Concrete pad for portable toilet(s) in a location and size to be determined by M-NCPPC staff.
 10. Landscaping, benches, seating areas, curbing, bollards, bike racks, trails, walls and fencing throughout the park as determined by M-NCPPC staff to meet the needs of the Local Park users and create an aesthetically pleasing park experience.
- E. Applicant to provide engineering for Local Park site grading, construction, and necessary stormwater management facilities. All engineering and design plans for the grading and construction of the Local Park and facilities therein, including stormwater management, must be approved by M-NCPPC staff. Grading to be kept outside stream buffers and avoid other sensitive resources as determined to be necessary by M-NCPPC staff in coordination with Special Protection Area guidelines. Grading to be engineered to prevent slopes in excess of 3:1 unless otherwise approved by staff. Applicant to procure the necessary park permits for construction of all park facilities and amenities.
- F. Local Park construction to be under construction prior to construction of homes across from the Park on Arora Hills Drive and Yellowwood Drive. All park facilities and amenities to be of a style, design, quality and location acceptable to M-NCPPC staff. Local Park to be complete prior to occupancy of 60% of homes adjacent to Local Park. within Phase 3.

- G. Future homeowners adjacent to Ovid Hazen Wells Park and the Local Park are to receive notification prior to purchase of home that the site is in the vicinity of an active local park.

4. Site Plan

- A. Applicant to provide 8 ft. bike path segments along each piece of frontage of this property along Ridge Road.
- B. Prior to release of the signature set, the applicant shall indicate on the drawings any property from adjacent homeowners required for right-of-way, green space or other applicant related improvements that will be secured prior to record plat.
- C. The site and landscape plan to reflect the following changes prior to signature set:

Increase the number of front yard trees in areas with long townhouse rows over 3 units; maintain 40 - 50' O.C. street tree spacing on all public streets per agreement with MCDPS; label all fences per detail sheets; provide rear yard screening adjacent to parks and paths where spacing is tight; indicate the height of all retaining walls with none to be above 6 feet; connect walk of adjacent townhomes to the future shopping center; update site plans with park designs as those designs become final; heavy up buffer at property boundaries towards existing homes; noise attenuation fence to be reviewed by site plan and environmental planning staff so to create functional and attractive fences along Ridge Road and all outdoor steps to be measure 6" riser and 15" tread for optimal outdoor use.
- D. Unit Layout
 - 1. Unit orientation to major streets to remain as shown, in conformance to the grid pattern consistent with the neo-traditional design of the neighborhood. Any significant proposed changes to site plan shall be presented to staff for further staff level review and approval.
 - 2. The garage for the front loaded units shall not protrude beyond the front elevation of the front most portion of the building, i.e. the front porch.

5. Transportation

- A. The development under this site plan is limited to 844 dwelling units so that the residential total development of Greenway Village at Clarksburg does not exceed 1,330 dwelling units.
- B. In accordance with the Local Area Transportation Review (LATR) Guidelines and the revised phasing of roadway improvements for the Clarksburg Village/Greenway Village at Clarksburg developments described in Transportation Planning Staff's

letter of August 22, 2002 to Mr. David Flanagan and Mr. Bernard Rafferty (copy attached), the off-site improvement to widen MD 27 to six through travel lanes from MD 355 to Brink Road including additional turn/approach lanes on MD 27 and Brink Road at the intersection of MD 27/Brink Road must be bonded, under construction, or under contract for construction prior to issuance of building permits for the new development.

- C. The applicant shall construct relocated Skylark Road from the Greenway to MD 27, including an eight-foot sidewalk on the south side.

6. Infrastructure Plan

The infrastructure Plan shall be amended pending the outcome of Development Plan Amendment that proposed to relocate the 2,000 square foot community center from the retail center to the pool house.

7. School Dedication

The dedication of the parcel to MCPS for the future Middle school shall be completed prior to the final record plat.

Appendix C



FIRE MARSHAL COMMENTS

DATE: DECEMBER 30, 2005
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: BATTALION CHIEF MICHAEL A. DONAHUE, FIRE CODE ENFORCEMENT SECTION
RE: GREENWAY VILLAGE, PHASE 1 AND 2, FILE NO. 8-2002036A

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 12-27-2005. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



FIRE MARSHAL COMMENTS

DATE: DECEMBER 30, 2005
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: BATTALION CHIEF MICHAEL A. DONAHUE, FIRE CODE ENFORCEMENT SECTION
RE: GREENWAY VILLAGE, PHASE 3,4 & 5, FILE NO. 1-2002033B

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 12-27-2005. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: MC Department of Permitting Services



CHECKLIST Site Plan / Project Plan Review

Plan # ~~802~~ 82002036B Name: greenway village at clarksburg, phases one and two
Zone: pdA Tract Area: 164 Proposed Use: residential

Number of Units: 486 Square Footage:

Development Method: Other:

Referral Comments:

M-NCPPC	Staff	Date	Other Agencies	Staff	Date
Transportation	kk	1-9-2006	SHA	na	
Environmental	mp	1-3-2006	DPS (SWM)	na	
Community Planning	nm	5-31-2002	DPS (Traffic)	na	
Historic Planning	na		Public School	na	
Park Planning	na		Utility	na	
Research/Housing	na		Fire & Rescue	Michael Donahue	12-30-2005
			DPW & T	na	

Development Standards / Requirements

- Zoning Requirements
- MPDU Calculation
- Building Restriction Lines
- Development Data Table
- TDR Calculation
- Building Height
- Recreation Calculation
- Timing/Phasing Conditions
- Master Plan Conformance

Prior Approvals

- Development Plan
- Preliminary Plan
- Prior Site Plan Approvals
- Record Plat

Community Input

- Civic Association meetings on 11-1-2005 and 12-12-2005 with clarksburg civic association
 - Individuals ongoing correspondence with Greg Fioravanti, who is the informal leader of active aurora hills residents.
- Supervisor Review *PK* 1-5-06
- Chief Review *PK* 1/6/06



**Development Review Division
Montgomery County Department of Park and Planning**

CHECKLIST Site Plan / Project Plan Review

Plan # 82009022A Name: greenway village at charlottesville, phases 3,4,5
 Zone: pd4 Tract Area: 210 Proposed Use: residential
 Number of Units: 844 Square Footage: _____
 Development Method: _____ Other: _____

Referral Comments:

M-NCPPC	Staff	Date	Other Agencies	Staff	Date
	Transportation	<u>se</u>	<u>2-1-2006</u>	SHA	_____
Environmental	<u>mp</u>	<u>1-3-2006</u>	DPS (SWM)	_____	_____
Community Planning	<u>nm</u>	<u>5-31-2002</u>	DPS (Traffic)	_____	_____
Historic Planning	<u>na</u>	_____	Public School	_____	_____
Park Planning	<u>na</u>	_____	Utility	_____	_____
Research/Housing	<u>na</u>	_____	Fire & Rescue	_____	<u>12-30-2005</u>
			DPW & T	_____	_____

Development Standards / Requirements

- Zoning Requirements
- MPDU Calculation
- Building Restriction Lines
- Development Data Table
- TDR Calculation
- Building Height
- Recreation Calculation
- Timing/Phasing Conditions
- Master Plan Conformance

Prior Approvals

- Development Plan
- Preliminary Plan
- Prior Site Plan Approvals
- Record Plat

Community Input

- Civic Association meetings on 11-1-2005, 12-12-2005 and 1-23-2006 with charlottesville CIVIC association
- Individuals ongoing correspondence with Greg Fioravanti, who is informal leader of active arora hills residents.

Supervisor Review

RAW 2-1-06
RJK 3-17-06

Chief Review