

This improvement along MD 27 is consistent with the master plan recommendation. If, after master dedication along the west side of MD 27, sufficient right-of-way is not available for the proposed widening, the applicant has to either acquire additional right-of-way on the east side of MD 27 or dedicate additional right-of-way and widen MD 27 on their development side.

- b. The applicant shall dedicate on-site portions and participate in construction Relocated Newcut Road (A-302) as a two lane divided arterial or business district roadway between MD 27 and the A-305 intersection and as a four lane divided arterial roadway between A-305 and MD 355.
- c. The applicant shall participate in constructing A-305 as a four lane divided arterial roadway between MD 27 and Stringtown Road.
- d. The applicant shall dedicate and participate in constructing Foreman Boulevard as a two lane arterial roadway from its current terminus at Timber Creek Lane to A-305.

III. To satisfy Local Area Transportation Review (LATR)

- a. The applicant shall participate in construction a second left-turn lane from northbound MD 355 to westbound MD 27.
- b. The applicant shall participate in constructing additional turn/approach on MD 27 and Brink Road at the intersection of MD 27/Brink Road.
- c. The applicant shall participate in providing a separate left-turn lane from southbound MD 355 to eastbound Brink Road as a separate left-turn lane from westbound Brink Road to southbound MD 355.
- d. The applicant shall widen existing Skylark Road by four to six feet, for a total roadway width of 24 feet, from Piedmont Road to the Greenway and construct Relocate Skylark Road from the Greenway to MD 27, including a five-foot sidewalk on the south side.

IV. The applicant shall agree that the roadway improvement listed as conditions of approval are under construction in accordance with the phasing of road improvements for Clarksburg/DiMaio development as described in David D. Berward Rafferty's letter dated August 05, 2002 and confirmed in Transportation Planning's letter date August 22, 2002. The locations of the above roadway improvements (except for condition 3d) are shown in the attached Exhibit 1.

V. The applicant shall construct a roundabout on A-302 at Street "P3-Q".

VI. The applicant shall construct A-302 as a business district street between A-305 and the roundabout in accordance with DPWT Standard No. MC-219.02, and as a two lane arterial street between the roundabout and MD 27 in accordance with DPWT Standard No. MC-213.04."

VII. The issuance of building permits is predicated on the applicant participating with Preliminary Plan No. 1-01030 Clarksburg Village. The total number of building permits that may be granted for the combined projects shall be limited as follows:

- a) MD27-Observation Drive to MD 355 plus turn lane on MD 355 to westbound MD 27- 700 Dwelling units

- b) MD 27- MD 355 to Brink Road plus turn at MD 27/Brink Road – 700 Dwelling units
- c) MD 27-Brink Road to A-305 plus turn Lanes at MD 355/Brink – 600 dwelling units

On-Site Improvements

- a) -305: Stringtown Road to Forman Boulevard, Forman Boulevard: MD 355 to A-305 - 500 Dwelling units
- b) A-305: Forman Boulevard to A-302
- c) A-302: MD 27 to A-305 - 500 Dwelling units
- d) A-305: MD 27to A-302 - 500 Dwelling units
- e) A-302: A-305 to MD 355 - Remaining Residential/Retail/Commercial

- 2) Prior to Planning Board review of a Site Plan applicant shall submit an "Infrastructure Plan" for Planning Board review. The plan shall include the following:
 - a. Location and types of stormwater management facilities for quality and quantity controls that comply with the conditions of MCDPS' preliminary water quality plan
 - b. Delineate bike and pedestrian access pathways including all at grade and below grade crossings along all road rights of way and at stream crossings
 - c. All roadway networks including both private and public connections, streetscape, lighting, sidewalks and paving materials
 - d. Delineation of "Greenway" and other open space areas including all environmental buffers
 - e. School sites and Park dedication sites
 - f. Recreation guideline concept plan
 - g. Proposed schedule for clearing and grading of site
- 3) No clearing, grading, unless designated on the "Infrastructure Plan" and no recording of plats prior to site plan enforcement agreement approval
- 4) Compliance with the conditions of the Revised Preliminary Water Quality Plan approval letter, dated, January 30, 2002, from the Montgomery County Department of Permitting Service
- 5) Compliance with the conditions of the Preliminary Forest Conservation Plan. Conditions must be satisfied prior to recordation of plat(s) or MCDPS issuance of sediment and erosion control permits
- 6) Access and improvement as outlined in MCDPWT letter dated January 31, 2002
- 7) Access and improvements as outlined in MDSHA letter dated, November 6, 2001
- 8) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Clarksburg Master Plan, unless otherwise designated on the preliminary plan
- 9) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Clarksburg Master Plan, and to the design standards imposed by all applicable road codes or as approved by MCDPWT
- 10) Abandonment of unused portion of Skylark Road to be approved, by appropriate agency, subsequent to construction and release of relocated Skylark Road to Montgomery County
- 11) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation

- 12) Record plat to provide for dedication of local road network as outlined in conditions #1, #6 and #7 above and depicted on the approved preliminary plan
- 13) Record plat to reflect common ingress/egress easements over all shared access locations
- 14) Record plat to reflect note limiting uses of dedicated school site to school construction or park use only
- 15) Prior to record plat, dedication to M-NCPPC, the following areas as outlined in January 31, 2002 Park Planning and Resource Analysis Unit memo:
 - Area identified as "Park 6" as shown on plan, to be an area with a minimum 600 ft. width with adequate area outside of stream buffer to accommodate the needed Greenway trails
 - Land north of relocated Skylark Road and Street P3-A adjacent to Ovid Hazen Wells. Not to include stormwater ponds of swimming pool facility areas.
 - Areas identified "Park 1" and "Park 9" and "Park 12" as shown on plan
- 16) Construction of two (2) full size baseball fields, one (1) full size basketball court, one (1) multi-age playground and an adequately sized parking lot by applicant within "park 12". Facilities to be constructed to park standards and layout to be coordinated with M-NCPPC staff at Site Plan. It is noted that this park is part of a pending application for the Clarksburg/Skylark Development District
- 17) Dedication of the proposed Middle School site west of Ridge Rd. (MD 27) to Montgomery County Public Schools
- 18) The school site will be graded, surfaced with topsoil, fine graded to a maximum of +/- 6" over 100', and seeded as appropriate in accordance with Montgomery County Public School standards
- 19) Phasing of dedication of the school site and park sites shall be incorporated as part of the phasing schedule included with Site Plan approval
- 20) Applicant to construct eight (8) foot wide master plan paved, mixed use trail within the Clarksburg Greenway as approved by the Site Plan
- 21) Final approval of the number and location of buildings, including location of multi-family dwelling units and design of commercial center to be determined at Site Plan
- 22) Final alignment, design and landscaping of trails, greenway trails and entrance features to be determined at Site Plan
- 23) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 24) Final number of MPDU's to be determined at the time of site plan dependent on Condition # 20 above
- 25) Waiver of over length cul-de-sac and appropriate sidewalk waivers to be reviewed and approved at Site Plan
- 26) This preliminary plan will remain valid until February 7, 2014 and shall be phased for recordation of lots as follows:
 1. Phase One: 350 lots by February 7, 2005
 2. Phase Two: 700 lots by February 7, 2008
 3. Phase Three: 1050 lots by February 7, 2011
 4. Phase Four: All remaining lots by February 7, 2014

Prior to the expiration period, the final record plat for all remaining lots within each phase must be recorded, or a request for an extension must be filed
- 27) Other necessary easements

Appendix B



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: October 16, 2002
SITE PLAN REVIEW #: 8-02036
PROJECT NAME: Greenway Village at Clarksburg Phase I and II

***CHECK** Action on Final Water Quality Plan: Approval subject to conditions. Motion was made by Commissioner Bryant and seconded by Commissioner Wellington, with a vote of 5-0. Commissioners Holmes, Bryant, Robinson, Perdue and Wellington voted for, and no Commissioners voted against. All Commissioners were present.*

***CHECK** Action on Site Plan: Approval subject to conditions. Motion was made by Commissioner Bryant and seconded by Commissioner Perdue, with a vote of 5-0. Commissioners Holmes, Bryant, Robinson, Perdue and Wellington voted for, and no Commissioners voted against. All Commissioners were present.*

The date of this written opinion is October 16, 2002, (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 16, 2002 (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 September 12, 2002, Site Plan Review #8-02036 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 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 #8-02036, which consists of 486 Units (328 SFD, 109 TH's and 49 MPDU townhouses) on 164 acres,

SPECIAL PROTECTION AREA – FINAL WATER QUALITY PLAN

The Planning Board approves 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 September 5, 2002 approving the Final Water Quality Plan.

SITE PLAN # 8-02036

Approval of 486 Units (328 SFD, 109 TH's and 49 MPDU townhouses) on 164 acres with the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A.
2. Landscape Plan

Final Landscape Plan to include the following prior to signature set:

- a. Street trees to be space 40 feet on center for all internal streets and 50 feet on center for Skylark Drive and Sycamore Farm Drive;
- b. Revised evergreen species or equivalent for screening along the western boundary of Section 1, rear evergreen planting for Lots 1 and 2, Block "Q";
- c. Details of gazebo and/or other recreation facilities in pool area;
- d. Outline of mulch beds within play areas needs to be refined, less angular and irregular;
- e. Label all paths and path materials on plan;
- f. Taller evergreens screen (to 3 feet) around parking lot adjacent to pool house;
- g. Driveway, landscaping and screen treatment around rear of all MPDU townhouses to be shown;
- h. Side lot screening for Lots 1 and 37 – Block "L", Lot 10 Block "O";
- i. Details of sitting area and path locations for Park 4 and 20 or 30 scale details for all MPDU recreation areas;
- j. Provide Benches on mews area between Birch Mead Road and Winged Elm Drive;
- k. Additional street trees for the rear driveways for the Townhouses along Birch Mead Road, Phase II; Butternut Grove;
- l. Show all lead walks, grading and landscape treatment for all units;

- m. Street trees species and spacing to conform to the final Clarksburg Streetscape study and the proposed lighting plan to conform to the IESNA guidelines and future street light plans for the Clarksburg planning area;
 - n. Provide staff with PUE diagram to assure that the PUE's locations allow for plant material as proposed;
 - o. The hedgerow shall be in an easement maintained by the Homeowners Association or equivalent rather than the individual homeowner;
 - p. Add an additional play area adjacent to the pool area to more fully develop the open space opportunities there;
 - q. Final landscape plan to be reviewed by staff prior to signature set and it is to reflect use of native plant species.
3. Lighting Plan to be updated to reflect current lot configurations with cut sheets to be included.

4. Path and Bike Path

- a. Add a Bike path segment adjacent to lots 62 and 63 Block A north side of Birch Meade Road.
- b. The cross section for Skylark Road is to be adjusted to include the bike path on the south side of the right-of-way for its entirety through the project.
- c. Path system to include the following:
 - a. Dedication to M-NCPPC of areas identified on Plan as Park 1B and Park 6, said dedications not to include the 1A private park or any stormwater management pond facilities. 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 construct an 8' wide, hard surface trail in the following locations with exact location of trail alignments to be coordinated with M-NCPPC staff:
 - i. From Skylark Road along the east side of Persimmon Ridge Road and intersecting with the trail along Cherry Branch Drive.
 - ii. Along the south side of Cherry Branch Drive from Persimmon Ridge Road to the southeast corner of Lot 20 at the stormwater pond area, said trail to connect with the trail alignment through Clarksburg Village to Midcounty Highway hiker/biker trail system.
 - iii. From Persimmon Ridge Road trail, east through Park 1A and 1B to Birch Mead Road.
 - iv. From Cypress Spring Road to the Clarksburg Greenway Trail that runs along the east side of Little Seneca Tributary, said

trail to include a hiker/biker trail bridge across Little Seneca Tributary.

5. Unit Layout

- a. 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.
- b. The garage for the front loaded units shall not protrude beyond the front elevation of the front most portion of the building, ie the front porch.

6. Sky Lark Road

No building permits for units to be released for the portion of the road that was within the former proscriptive right-of-way for Skylark Road until abandonment procedures are complete.

7. Parks Issues

- a. Maintain bike path connection (8 foot asphalt) to Ovid Hazen Wells Park bike path within old Skylark Road right-of-way prior to dedication. Future greenway trail crossing of new Skylark Road to be at grade and determined with future site plan phases to include pedestrian staging area, and a safe attractive crossing.
- b. Site Plan Enforcement Agreement to include final language to be included with all sales information for notifying prospective home purchasers on the south side of Skylark Road of the presence of an active park within the Ovid Hazen Wells Park immediately to the north.

8. Waiver requests

- a. Prior to recording a plat, Applicant to submit for a revision to Preliminary Plan conditions to provide for a waiver of lot frontage pursuant to section 50-29-2 of the subdivision regulations. The plans shall reflect a smaller radius at the street intersections as approved by DPS ie 15' radius for alley, 20' radius for interior streets, 25' radius for Sycamore Farm Road and 30' radius at Skylark Drive.
- b. With the approval of this site plan the Planning Board grants the waiver of overlength cul-de-sac on Persimmon Ridge Road.

9. Infrastructure Plan

- a. Future site plans to be accompanied by an amended Infrastructure Plan with the following to be included:
- Additional community open space/ recreation areas within the high density residential areas within block J,K,L,M;
 - Redistribution of multifamily units to be closer to the commercial area;
 - Redesign of multifamily areas to continue the neotraditional theme of the design and to relate to the adjacent retail;
 - Review the location and function of recreation area # 14 to be further from major roadways and more integrated in the residential community;
 - Relocate the bike path for Phases 1 and 2 to be on the south side of Skylark Road;
 - Per the Development Plan, future phases must provide 2,000 square feet of civic space (that is privately owned and maintained) for public use in the commercial center.

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. 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 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 phasing, to minimize soil erosion.
 - 6) Coordination of each section of the development and roads.
 - 7) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
2. 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. Relocation of stormwater facility outfalls from pond away from forest preservation or other environmentally sensitive areas.
 - e. Conditions of DPS Stormwater Management Concept approval letter dated September 5, 2002.
 - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - g. The development program inspection schedule.
 - h. Conservation easement boundary.
 - i. Streets trees 40 and 50 feet on center along all public streets.
 - j. Centralized, screened trash areas for all one-family attached units except townhouses.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
 4. No clearing or grading prior to M-NCPPC approval of signature set of plans.