

Staff find the proposed access to the site as shown on the development plan to be safe and adequate. Staff also find that the internal pedestrian circulation and walkways provided as shown on the plan and upon implementation of recommended conditions stated above will provide for a safe and adequate movement of pedestrian traffic.

Local Area Transportation Review

Four local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The proposed development trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to calculate the total future CLVs. The result of CLV calculation is shown in the following table.

Table I

Intersection Capacity Analysis with CLV Under Various Development Schemes During the Peak Hour								
	Existing		Background		Total*		Total**	
	AM	PM	AM	PM	AM	PM	AM	PM
MD 121/Gateway Center Drive	905	848	1,196	1,509	1,279	1,547	1,160	1,236
MD 355/Stringtown Road	1,438	1,309	*** 1,429	1,382	1,429	1,382	1,429	1,382
MD 355/Shawnee Lane	1,039	1,205	1,186	1,324	1,229	1,379	1,108	1,242
Gateway Center Drive/Shawnee Lane	88	228	159	310	241	388	241	388

* Total development conditions without proposed roadway improvements

** Total development conditions with proposed roadway improvements

*** The CLV for AM background and AM Total future traffic conditions are lower than existing condition because other developments in the area are required to improve this intersection.

As shown in the above table, all existing intersections analyzed are currently operating at acceptable 1,450 CLVs. Under the background development condition, the intersection of Clarksburg Road (MD 121) and Gateway Center Drive (becomes Gateway Center Drive/Stringtown Road Extended under the background and total development conditions), exceeds the acceptable congestion standard of 1,450 CLV during the PM peak hour. Under the total development condition, the congestion at this intersection further deteriorates and must be improved. The applicant has proposed to reconfigure the exclusive northbound through lane as a second exclusive northbound left-turn lane. The through volumes would then share the right-turn lane. This intersection improvement results in mitigating the site-generated trips. Upon implementation of the roadway

improvements conditioned in this memorandum, the Gateway Center Drive/Stringtown Road Extended (MD 121) intersection will operate within an acceptable level of congestion that is 1,450 CLV.

The improvements proposed with this preliminary plan application are less than what was identified in the zoning application. However, as a result of the refined background development and with the improvements identified, the Eastside subdivision application satisfies LATR congestion standard of 1,450 CLV with the above-referenced improvements at identified locations.

Policy Area Transportation Review

The zoning application for this property was submitted and reviewed prior to changes in the Annual Growth Policy laws requiring the developments to satisfy staging ceiling capacity. Based on the FY 2004 Annual Growth Policy staging ceiling capacity, there was insufficient capacity available for the housing development (-5,028 housing units as of May 31, 2004, the date this zoning application was filed) in the Clarksburg Policy Area. The applicant had proposed to widen Shawnee Lane to a four-lane divided arterial roadway from Gateway Center Drive to Frederick Road (MD 355) to satisfy staging ceiling capacity and therefore, the applicant is bound by those requirements. Staff finds that the proposed roadway improvements will provide sufficient staging ceiling capacity to accommodate the proposed development.

CONCLUSION

Staff concludes that the 285-townhouse residential development of the Eastside proposed under PD-11 with roadway improvements that are conditioned in this memorandum will not have an adverse impact on the surrounding roadway network.

SE:gw

mmo to Kinney re Eastside

March 22, 2006

Re: Montgomery County
MD 355 General File
Eastside

Mr. Shahriar Etemadi
Transportation Coordinator
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Etemadi:

Thank you the opportunity to review the Updated Traffic Impact Study Report by Integrated Transportation Solutions (ITS), Inc. dated December 2005 (received by the EAPD on February 15, 2006) that was prepared for the proposed Eastside residential development in Montgomery County, Maryland. The Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the 285 Townhouse Units is proposed from one (1) full movement site access driveway and one (1) right-in/right-out site access driveway on Shawnee Lane (a County roadway).
- The traffic consultant determined that the proposed development would negatively impact the Stringtown Road at Gateway Center Drive/Clarksburg Road intersection. Therefore, the traffic consultant proposed to modify the northbound Gateway Center Drive approach from the currently proposed 1 left turn lane, 1 through lane, and 1 right turn lane –to- 2 left turn lanes and 1 through/right lane.
- The traffic consultant determined that with the improvement to the Stringtown Road at Gateway Center Drive/Clarksburg Road intersection all studied intersections will be within the Clarksburg Congestion Standard (CLV less than or equal to 1,450).

In conclusion, SHA concurs with the report findings. Therefore, SHA recommends that the M-NCPPC condition the applicant to design and construct the roadway improvements at the Stringtown Road at Gateway Center Drive/Clarksburg Road intersection as described above. It should also be noted that the traffic signal will need to be modified to accommodate the modified northbound Gateway Center Drive lane assignments at this County-maintained intersection.

Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application. If there are any questions on any issue requiring a permit from SHA on this application, please contact Greg Cooke at (410) 545-5602.

Mr. Shahriar Etemadi
Page 2 of 2

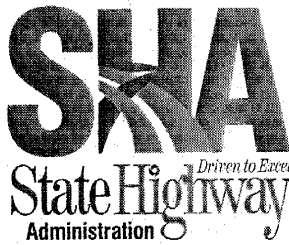
If you have any questions regarding the enclosed traffic report comments, please contact Larry Green at (410) 995-0090 x20.

Very truly yours,

Original signed by Steve Foster

Steven D. Foster, Chief
Engineering Access Permits Division

cc: Mr. Ed Axler, M-NCPPC Montgomery County
Mr. Raymond Burns, SHA Engineering Access Permits Division
Mr. Joseph Finkle, SHA Travel Forecasting Section
Mr. Bob French, SHA Office of Traffic & Safety
Mr. Larry Green, Daniel Consultants, Inc.
Mr. Craig Hedberg, ITS, Inc.
Mr. Jeff Wentz, District 3 Traffic Engineering



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

July 5, 2005

Ms. Cathy Conlon
Acting Supervisor Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Montgomery County
MD 355 General
Eastside
File Nos. 1-05101 & 8-05038

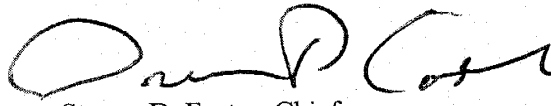
Dear Ms. Conlon:

The State Highway Administration (SHA) would like to thank you for the opportunity to review the preliminary plan and site plan applications for the Eastside development. We have completed our review and offer the following comments:

- Five (5) copies of the traffic study need to be submitted so the appropriate divisions within the State Highway Administration (SHA) can make the necessary review.

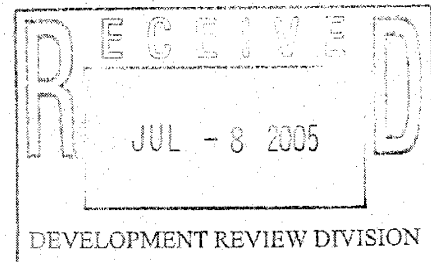
If additional information is required from SHA regarding this project, please do not hesitate to contact Mr. Gregory Cooke at 410-545-5602, Mr. John Borkowski at 410-545-5595, or by using our toll free number in Maryland only, 1-800-876-4742 (x-5602 for Greg, x-5595 for John). You may also E-mail Greg at gcooke@sha.state.md.us or John at jborkowski@sha.state.md.us. Thank you for your cooperation.

Very truly yours,


Steven D. Foster, Chief
Engineering Access Permits Division

SDF/jb

cc: Mr. Darrell Mobley (Via E-mail)
Mr. Augustine Rebish (Via E-mail)
Mr. Richard Weaver, M-NCPPC (Via E-mail)
Mr. Shahriar Etemadi, M-NCPPC (Via E-mail)
Mr. James Belcher, (Loiederman Soltesz Associates, Inc.)



My telephone number/toll-free number is _____

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FIRE MARSHAL COMMENTS

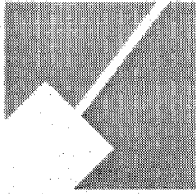
DATE: 5-16-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: CAPTAIN JOHN FEISSNER 240 777 2436
RE: APPROVAL OF ~ *EASTSIDE PRELIMINARY PLAN #1-20051010*

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 5-16-06. 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.

Approval based on conversations with Mr. Wallington of Loiederman Soltesz that road width for Soper House Rd in front of Lots 1 thru 5 can be improved in 20 paved clear width.

cc: Department of Permitting Services



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Cathy Conlon, Supervisor, Development Review

FROM: Mark Pfefferle, Planning Coordinator, Environmental Planning *MP*

DATE: May 31, 2006

SUBJECT: Preliminary Forest Conservation Plan
Preliminary Water Quality Plan
Eastside
Preliminary Plan 120051010

RECOMMENDATION

Staff recommends approval of the preliminary forest conservation plan and the preliminary water quality plan subject to the following conditions:

1. Applicant to comply with the preliminary forest conservation conditions of approval.
2. Applicant to include all areas within the environmental buffers and all retained forests in a Category I Forest Conservation Easement.

BACKGROUND

The 23-acre property is located on the south side of Shawnee Lane near the Observation Road intersection in Clarksburg. The property is located within the Clarksburg Special Protection Area (SPA). The site is adjacent to the Montgomery County Public Schools Clarksburg Bus Depot and the LCOR/Comsat site. Across Shawnee Lane are a stormwater management facility, the Clarksburg Post Office, and the Garnkirk Property.

The property includes 6.43 acres of existing forest and 5.4 acres of environmental buffers. There are no floodplains or wetlands on the subject site but there is a stream that runs diagonally through the forested area. The forest is concentrated at the southeastern portion of the property and is one contiguous mass versus many smaller forests. The open areas of the site, nearest to Shawnee Lane include grasses, a few isolated trees and hedgerows. The property slopes from Shawnee Lane, the high point on the property, to the stream, at the rear of the property. There are no slopes greater than 15 percent outside of the environmental buffers.

DISCUSSION

The site is subject to the Forest Conservation Law and a preliminary forest conservation plan was submitted with the preliminary plan of subdivision. Since the site is in the Clarksburg SPA development of the property is subject to the Special Protection Area Law and a water quality plan is required. Under the SPA law, Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of the water quality plan. MCDPS reviewed and conditionally approved the elements of the preliminary water quality plan under their purview in October 2004. The Planning Board responsibility is to determine if the environmental guidelines for special protection areas, forest conservation requirements, and site imperviousness requirements are satisfied.

Environmental Guidelines

The applicant submitted a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) to M-NCPPC for review and approval. Environmental Planning staff approved NRI/FSD 4-05096 on October 28, 2004. The NRI/FSD indicates 6.43 acres of existing forest, 5.4 acres of environmental buffers, and no wetlands or floodplains. The only slopes greater than 15 percent area located within the environmental buffers. A first order stream diagonally crosses the back quarter of the property. The forest is concentrated in the back third of the property. The environmental buffers are forested except for 0.22-acres, which will be forested per the environmental guidelines. The only encroachment into the environmental buffers is for a natural surface trail and necessary stormwater management conveyances. There are no stormwater management facilities or drywells proposed for the environmental buffer. All environmental buffers will be included in a category I forest conservation easement.

Forest Conservation

The applicant submitted a preliminary forest conservation plan with the preliminary plan of subdivision. There is 6.43 acres of existing forest on the property. The applicant is proposing to remove 0.95 acres, retain 5.48 acres, and plant 0.22 acres of unforested stream buffer. Since the applicant proposes to develop this property as a planned unit development it must comply with Section 22A-12(f) of the Montgomery County code. This section requires planned unit developments to meet the appropriate forest conservation threshold on site. The applicant will meet the requirements of Section 22A-12(f) and all forest conservation requirements through forest retention on the subject. In addition, the applicant will plant the unforested portion of the site, as per the Environmental Guidelines.

Site Imperviousness

The subject site is located within the Clarksburg Special Protection Area. There are no impervious limits in this SPA. The total amount of impervious surfaces proposed, based on the water quality plan is 8.77 acres. This is an overall impervious amount of approximately 37 percent over the entire 23.8-acre property. The overall imperviousness for this development is comparable with other developments in Montgomery County using PD 11 standards.

Stormwater Management/Water Quality Plan

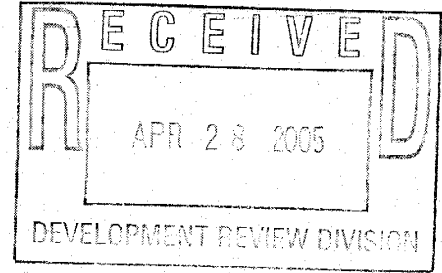
As part of the water quality plan the following site performance goals were established:

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

To help meet the performance goals, the water quality control for this site will be provided via an extended detention pond. This structure will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours per state standards. Quality control will be provided via a combination of structural and non-structural measures that include dry wells, surface sand filters, dry swales and water quality inlets. Since open section roadways are not feasible the water quality structures must be sized to compensate for loss of the roadside swales.

RECOMMENDATIONS

Environmental Planning staff recommends Planning Board approval of the preliminary plan of subdivision and the preliminary water quality plan.



April 27, 2006

Ms. Cathy Conlon
 Subdivision Coordinator
 The Maryland-National Capital Park
 and Planning Commission
 8787 Georgia Avenue
 Silver Spring, MD 20910

Re: Eastside Preliminary Plan (1-20051010) – Proposed Phasing Plan and Request for
 Validity Period and Plat Recordation Extension

Phasing Plan

The approval of the development plan for map amendment G-824 by the County Council contained several elements that are appropriate for staging/phasing. The required improvements address intersection capacity and the now defunct Policy Area Transportation Review (PATR) for policy area capacity as measured in lane miles of roadway. The widening and reconstruction of Shawnee Lane from a 2-lane road to a 4 lane divided arterial highway is a PATR improvement provides overall network capacity but the widening is not necessary to accommodate traffic from the Eastside Neighborhood; it provides capacity to accommodate future traffic patterns that will result from the opening of the transit stations and surrounding development. The proposed staging plan contains the following elements:

Phase	Improvement
1	<p>A. Submit bonds and receive all construction permits for the construction of the second left turn lane on northbound Gateway Center Drive at Stringtown Road Extended prior to the issuance of the 17th building permit. This allows one set of multifamily residences (10 residences) and one set of townhomes (6 residences) to be constructed for model homes and/or other attached residences in advance of permit issuance for the off-site improvements.</p> <p>B. Submission of 30% design of Shawnee Lane widening and reconstruction prior to release of building permits for units beyond Phase 1. This recognizes that property acquisition for right-of-way from 19 individual properties may require Montgomery County condemnation.</p>
2	<p>A. Completion of the second left turn lane on northbound Gateway Center Drive at Stringtown Road Extended prior to the issuance of the first building permit in Phase 2.</p>

	B. Commence construction of the Shawnee Lane widening & reconstruction prior to release of building permits for units beyond Phase 2.
3	Close the temporary right-in and right-out private road connection to Shawnee Lane within 30 days of the issuance of the final occupancy permit. If weather conditions preclude paving then the paving shall be completed within 30 days of acceptable weather conditions. A separate performance bond for the closure of the entrance onto Shawnee Lane can be used to allow for bond release following the completion of entire Shawnee Lane widening before occupancy of the last residence.

APFO Time Extension

Under Section 50-20(c)(3)(iii) of the Subdivision Regulations, the Planning Board may grant a validity period, “[f]or no less than 5 and no more than 12 years, as determined by the Planning Board at the time of subdivision”. The Applicant requests a Validity Period of 6 years after the preliminary plan initiation date, 1 year more than the minimum 5 year Validity Period. This additional year ensures that there is adequate time to complete the privately-funded improvements to Shawnee Lane.

The Applicant is required to acquire or fund the County acquisition of right-of-way from 19 properties for the widening of Shawnee Lane. The Applicant is required to make a good faith effort to acquire right-of-way and temporary easements from property owners prior to the County exercising its condemnation authority. Although the Applicant has contacted the property owners and begun discussions, the Applicant does not have the legal authority to force a sale at fair market value if a property owner desires a higher price. The condemnation process would be required where the property owner either desires to not sell to the Applicant or will not accept fair market value for the property. The additional time required to go through the attempted acquisition by the Applicant and the County going through the condemnation process makes it prudent to request the additional year for a total of six to ensure that the adequate public facilities finding remains valid.

Plat Recordation Extension and Phasing Request

Section 50-35(h)(2)b. requires that all record plats associated with the Eastside neighborhood must be recorded according to the phasing schedule established by the Planning Board at the time of the preliminary plan approval. The Applicant requests that the three year period be extended to 6 years to coordinate with the APFO time extension previously requested and to provide for a reasonable sales pace since the 285 residence neighborhood is likely to be constructed by one builder.

The Applicant requests the following phasing for the recordation of the plats:

Phase 1: Up to 90 residences within 3 years of preliminary plan approval.

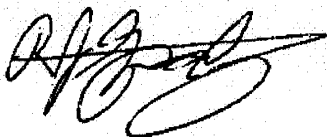
Phase 2: Up to 119 additional residences within 5 years of preliminary plan approval.

Phase 3: The remaining residences within 6 years of preliminary plan approval.

The location of the units may vary as long as the total number of units for the current and preceding phases is not exceeded.

Thank you for your consideration of these important elements that ensure that the Eastside neighborhood will be able to be constructed in a manner that also ensures that privately funded construction of public improvements will be provided. Please contact me at 703-821-2500 ext. 185 or bspalding@millerandsmith.com if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Spalding', with a large, sweeping flourish at the end.

Robert J. Spalding, AICP

cc: Piera Weiss
Dolores Kinney
Ki Kim
Greg Leck
Tim Dugan
Kelly Drumm