



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-138
Preliminary Plan No. 12005101A
Gallery Park
Date of Hearing: September 23, 2010

DEC 2 2010

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on April 21, 2010, Miller and Smith at Eastside, LLC ("Applicant"), filed an application for approval of a preliminary plan amendment to create 70 lots for 70 fee-simple townhouse units and 29 parcels for 186 condo-regime townhouse units, and several parcels for private roads and open space owned by the homeowners association on 23.82 acres of land in the PD-11 zone, located at 13000 Shawnee Lane, approximately 80 feet east of Gateway Center Drive ("Property" or "Subject Property"), in the Clarksburg master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 12005101A, Gallery Park ("Amendment" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated September 13, 2010, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on September 23, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on September 23, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Alfandre; seconded by Commissioner Presley; with a vote of 5-0, Commissioners Alfandre, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

M-NCPPC Legal Department
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Preliminary Plan No. 12005101A to create 70 lots for 70 fee-simple townhouse units and 29 parcels that would contain 186 condo-regime townhouse units, and several parcels for private roads and open space owned by the homeowners association on 23.82 acres of land in the PD-11 zone, located at 13000 Shawnee Lane, approximately 80 feet east of Gateway Center Drive ("Property" or "Subject Property"), in the Clarksburg master plan area ("Master Plan"), subject to the following conditions:

Approval of Revised Final Water Quality Plan and Preliminary Plan Amendment 12005101A pursuant to Chapter 50 of the Montgomery County Subdivision Regulations and subject to the following conditions, which supersede the conditions of the original preliminary plan approval (120051010):

- 1) Approval under this preliminary plan is limited to 70 lots and 29 parcels for 256 residential dwelling units; 12.5 percent of the units must be Moderately Priced Dwelling Units (MPDUs).
- 2) The Applicant must comply with the conditions of approval for the 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, as applicable.
- 3) The record plat must reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 4) The Applicant must comply with the binding elements of Rezoning Case G-824.
- 5) The Applicant must dedicate and/or acquire 120 feet of right-of-way for Shawnee Lane from Gateway Center Drive to Frederick Road (MD 355), and construct Shawnee Lane to a four-lane divided arterial roadway. Any additional right-of-way or associated easements necessary for construction of Shawnee Lane will be acquired or funded by the Applicant. The Applicant must acquire or fund the cost of condemnation by Montgomery County Department of Public Works and Transportation (DPWT) for all necessary right-of-way for the entire length of Shawnee Lane prior to issuance of the building permit for the 91st dwelling unit. Construction of Shawnee Lane must be complete and open to traffic prior to issuance of the building permit for the 201st dwelling unit.
- 6) The Applicant must provide the following improvements at the intersection of Stringtown Road Extended and Gateway Center Drive prior to issuance of the building permit for the 91st dwelling unit:
 - a. Exclusive dual northbound left turn lanes on Gateway Center Drive, by redesignating one exclusive northbound through lane as an exclusive left turn lane with particular design requirements to be approved by DPWT.
 - b. The third lane on the northbound movement on Gateway Center Drive will be designated as a shared through and right turn lane.
 - c. The Applicant is responsible for all changes required to the traffic signal system as a result of the change in lane configuration at this location.

- 7) The Applicant must construct two 4-foot wide lead-in sidewalks from Shawnee Lane along Street A as shown on the preliminary plan. Construction must occur in accord with the Site Plan Development Program.
- 8) The Applicant must provide a Class I, shared-use path along the south side of Shawnee Lane and extend it to the future intersection with Gateway Center Drive. This improvement must be complete prior to issuance of the building permit for the 201st dwelling unit.
- 9) Final approval of the number and location of buildings, dwelling units, MPDUs, on-site parking, site circulation, sidewalks, and bikepaths to be determined at site plan.
- 10) No recording of plats prior to certified site plan approval.
- 11) The site plan must reflect the following design standards with respect to proposed roads, including the alleys/driveways:
 - a. All roads must be built to the structural standards of a tertiary road.
 - b. All roads must have a paved surface minimum of 20 feet, exclusive of parking.
 - c. On-street parallel parking must be 8 feet wide and protected by bump-outs, especially at all intersections.
 - d. The radii at intersections for through streets to adjacent properties must be at least 25 feet.
 - e. The radii at intersections for interior streets and alleys/driveways that serve as fire access must be at least 25 feet.
 - f. All sidewalks shall be 4 feet wide with a 6-foot minimum tree panel.
- 12) The record plat must reflect public use, common ingress/egress and utility easements over all roads and alleys/driveways. The public use, common ingress/egress and utility easement over Street C must extend to the property line and must grant abutting property owners permission to connect to Street C in the future.
- 13) The record plat(s) must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 14) The record plat(s) must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to Commission staff prior to release of the 201st building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 15) The Applicant must comply with the conditions of approval of the Montgomery County Department of Transportation (MCDOT) letter dated May 9, 2006 (Appendix A). These conditions may be amended by MCDOT provided they do not conflict with other conditions of the preliminary plan approval.
- 16) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 17) The Applicant must comply with the conditions of the MCDPS Final Water Quality Plan and stormwater management approval letter dated September 10, 2010

(Appendix B). These conditions may be amended by MCDPS provided they do not conflict with other conditions of the preliminary plan approval.

- 18) The validity periods for the preliminary plan and the Adequate Public Facilities (APF) review will expire on November 27, 2014 unless, prior to that date, a request for an extension is filed.
- 19) Other necessary easements must be shown on the record plat(s).

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the Master Plan.

The Clarksburg Master Plan recommends residential units be located in designated areas near employment uses and along the Corridor Cities transitway. The Planning Board finds the preliminary plan for Eastside is consistent with the master plan in that it proposes housing adjacent to existing employment uses and near property designated as a future site for transit services. Furthermore, development within the PD-11 zone as proposed is consistent with the recommended PD-9, PD-10, or PD-11 zoning for the site, also outlined in the 1994 Clarksburg Master Plan. The proposed density of 10.75 units per acre is consistent with the designated 9-12 units per acre residential land use density described in the Transit Corridor District Land Use Plan on page 55. The master plan also emphasizes recreational linkages and construction of an 8 foot-wide shared use path along the Property's Shawnee Lane street frontage and connecting to Gateway Center Drive to allow riders to continue along Gateway Center Drive to reach the recreational facilities of the greenway in this area. The preliminary plan provides these features.

2. Public facilities will be adequate to support and service the area of the proposed subdivision.

Roads and Transportation Facilities

Site Access and Vehicular/Pedestrian Circulation

The access points and vehicular circulation system approved in the original preliminary plan included two points of ingress and egress to the development on Shawnee Lane, one full access (Soper House Drive) in the northwestern corner of the Property and one right-in/right-out only near the southwestern end of the site (Woodward Drive). The amended preliminary plan retains the access point in the northwestern corner of the Subject Property where there will be three lanes—one entering and two exiting the site. This access will be reconstructed and widened in

the future to have two egress and two ingress lanes when the adjoining school bus depot property is developed and this access point is ultimately shared between Gallery Park and the adjoining property. Woodward Drive has been removed on the amended plan and a new, monumental entrance onto Street A is proposed north of the Woodward Drive location in the center of the Property's Shawnee Lane frontage. Street A terminates at Street C where a community green in the center of the site provides a vista for those traveling along Street A. The original preliminary plan called for all private streets and alleys/driveways, and all streets and alleys/driveways are still proposed to be private in this amendment. There are many units that are proposed to front on green space with private alley access to the rear.

Four-foot wide sidewalks are proposed along all internal private streets, and an eight-foot wide shared use path is proposed along the Shawnee Lane property frontage. Two four-foot wide lead-in sidewalks from Shawnee Lane will be located parallel to the new, monumental Street A access lanes. Crosswalks are required at the intersections of all private streets within the development. The Planning Board finds vehicular and pedestrian access will be safe and adequate with the proposed private improvements included in this preliminary plan amendment.

Local Area Transportation Review (LATR)

As part of the previous preliminary plan 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 intersection of Gateway Center Drive and Stringtown Road Extended exceeded the acceptable congestion standard of 1,450 CLV during the PM peak hour. As a result, the Applicant was required to reconfigure the exclusive northbound through lane on Gateway Center Drive as a second exclusive northbound left-turn lane, as outlined in condition #6 in the November 27, 2006 Opinion. This intersection improvement mitigated the site-generated trips for Gallery Park that exceeded the congestion standard and allows the intersection to operate at or below the acceptable 1,450 CLV congestion level. The Applicant was also required to dedicate and/or acquire 120 feet of right-of-way for Shawnee Lane from Gateway Center Drive to Frederick Road (MD 355) and construct Shawnee Lane as a four-lane divided arterial roadway. The Applicant has proceeded to satisfy this preliminary plan condition of approval and has plans under review to construct the road as required. The Planning Board finds the Gallery Park preliminary plan amendment remains in compliance with respect to the LATR requirements of the preliminary plan. Further LATR analysis is not required as part of this amendment because the Applicant proposes a reduction in density which results in fewer proposed vehicular trips during the morning and evening peak periods.

Policy Area Mobility Review (PAMR)

The Planning Board finds this Application is not subject to PAMR requirements because the original preliminary plan was submitted prior to inclusion of PAMR in the 2009-2011 Annual Growth Policy requirements.

Other Public Facilities and Services

The Planning Board finds other public facilities and services are available and will be adequate to serve the proposed multi-family and one-family attached dwelling units. The site is served by public water and sewer. Gas, electric and telecommunications services are also available to serve the property. Police stations, firehouses and health services are operating within the standards set by the Growth Policy Resolution currently in effect. The Application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS) which has determined that the property has adequate access for emergency vehicles.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Planning Board finds the Application meets the requirement and standards of all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The proposed lot size, width, shape and orientation are appropriate for the multi-family units proposed on parcels where the underlying land will stay in common ownership. The proposed lot size, width, shape and orientation are also appropriate for the one-family attached units proposed on individual lots 1 through 70. Parcels under common ownership and maintenance are also being created to accommodate private streets with underlying public use and access easements as well as parcels for HOA land.

The proposed subdivision was reviewed for compliance with the dimensional requirements of the PD-11 zone as specified in the Zoning Ordinance. The Planning Board finds the proposed development meets all dimensional requirements for area, frontage, width, and setbacks in that zone. The proposal includes 62.36% green area for the site which exceeds the minimum 50% green area required by the zone. A summary of this review is included in the Project Data Table in the Site Plan Review section. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the preliminary plan amendment.

4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

The Subject Property is located within the Clarksburg SPA, therefore, development of the Property is subject to the Special Protection Area Law and a water quality plan is required. Under the SPA law, the 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. The Planning Board is responsible for determining if the environmental guidelines for special protection areas, forest conservation requirements, and site imperviousness requirements are satisfied.

Environmental Guidelines

The NRI/FSD for the Subject Property 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 are 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 by the Applicant 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. The Planning Board finds the preliminary plan amendment protects environmentally sensitive features on the Subject Property in compliance with the Environmental Guidelines.

Forest Conservation

A Preliminary Forest Conservation Plan (with preliminary plan 120051010) was approved by the Board in an opinion dated November 27, 2006 and a Final Forest Conservation Plan (with site plan 820050380) was approved by the Board in an opinion dated June 20, 2007. 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 Property. The Planning Board finds the preliminary plan amendment complies with the requirements of the Montgomery County Forest Conservation Law and previously approved final forest conservation plan.

5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is

based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

Site Imperviousness

The Subject Property is located within the Clarksburg SPA. There are no impervious limits in this SPA. The total amount of impervious surfaces proposed, based on the water quality plan, is 9.80 acres. This is an overall impervious amount of approximately 41 percent over the entire 23.82-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.

The MCDPS Stormwater Management Section approved the stormwater management concept and water quality plan for the site on September 10, 2010. Water quantity control for this site will be provided via an extended detention dry pond. This structure will provide channel protection volume for the one-year storm with a maximum detention time of 24 hours per state standards. Quality control will be provided via a combination of structures that includes recharge trenches, surface sand filters, bioswales, microbiofilters and biofilters. These practices are place in series that will provide redundancy.

Since open section roads will not be feasible due to the proposed zoning of the site, capacity for additional water quality volume will be provided in the proposed water quality and recharge structures. Areas that are intended for vehicular use are to be pretreated prior to entering any water quality structures. The primary water quality structures must be sized to treat a minimum of one-inch over the proposed impervious area with additional volume (1/4"over the impervious area) provided for open section offset.

The revisions to the FWQP include replacing surface sand filters and structural sand filters with biofilters and microbiofilters. Also, several bioswales were added to the plan. These surface bio-features replace several underground structures and surface sand filters and are more in keeping with the ESD design goals.

6. *The Planning Board finds a waiver of Section 50-29(a)(2) pursuant to Section 50-38 of the Subdivision Regulations is warranted for Lots 41-51.*

Section 50-29(a)(2) of the Subdivision Regulations states that individually recorded lots shall abut on a street or road which has been dedicated to public use, or which has acquired the status of a public road. Multifamily and condominium units which are not located on individually recorded lots may abut a private street or right-of-way. The proposed subdivision includes a combination of streets and alleys/driveways, none of which will be dedicated to public use. This finding must be based upon the proposed roads being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to meet minimum public road standards, except for right-of-way and pavement widths.

The Planning Board finds that, with one exception, the proposed streets which provide frontage for individually recorded lots meet the minimum standards necessary to make the finding that they have attained the status of a public road. These standards include: minimum pavement widths and turning radii; appropriate circulation pattern and terminus; adequate parking design; and sidewalks with minimum tree panels. Proposed townhouse Lots 41-51, however, abut private Street G which cannot attain the status of a public road since it does not provide appropriate circulation or terminus. Since Street G is the only frontage provided for the lots, a waiver of Section 50-29(a)(2) is needed to permit the proposed configuration. Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist which prevent full compliance with the requirements.

The Planning Board finds practical difficulties are present which prevent full compliance with the requirements of Section 50-29(a)(2). The portion of the Subject Property south of Street G is in a Category I Forest Conservation easement that was proposed as part of the original preliminary plan to retain forest on-site. Directly east of Street G is open space with walking paths that will connect pedestrians from Street G to other streets within the development. The revised stormwater management concept using environmental site design requires strategic placement of stormwater management features which also limit the Applicant's ability to extend Street G or construct a turnaround.

The Planning Board also finds the layout proposed by the Applicant in this preliminary plan amendment is a design that continues to meet master plan goals of density near proposed transit, creation of a neighborhood that incorporates a mix of housing types and densities, and green areas dispersed throughout. The configuration of the lots for which this waiver is necessary does facilitate the creation of internal green spaces between lots on the west side of Street G and east side of Street F and ensures lots on the east side of Street G face green space along the perimeter of the site. The Planning Board finds the waiver is justified since the overall amendment requires less pavement for roads, and greater connectivity between private streets and alleys than the previous preliminary plan. Montgomery County Fire and Rescue has reviewed the proposed alley for fire access to the lots and determined that all the houses will be adequately served by emergency vehicles. Street G will also be adequate to provide public utilities to the lots. The Planning Board finds the waiver is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC - 2 2010 (which is the date that this Resolution is mailed to all parties of record); and

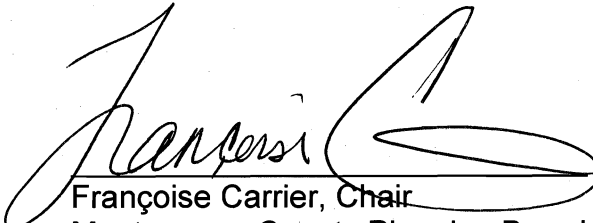
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Commissioner Alfandre, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, November 18, 2010, in Silver Spring, Maryland.


Françoise Carrier, Chair
Montgomery County Planning Board

APPENDIX A



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

May 9, 2006

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

RE: Preliminary Plan # 1-20051010
Eastside

Dear Ms. Conlon:

We have completed our review of the unsigned preliminary plan dated 05/2006. The original plan for this site was reviewed by the Development Review Committee at its meeting on July 5, 2005. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for future widening of Shawnee Lane in accordance with the master plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Grade establishment for Shawnee Lane, across the site frontage, must be approved prior to approval of the record plat(s) for this subdivision.
4. The conceptual design for the reconstruction of Shawnee Lane and the proposal to install stormwater management structures within the right-of-way for that roadway have not been approved at this time. The plan, as currently proposed, does not accommodate street trees, street lights, nor the entire width of the planned off-road bikepath. Because a portion of those improvements will occur along the frontage of this site, those details will need to be resolved at the site plan or record plat stage – whichever comes first.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

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5. A Public Improvements Easement may be necessary along all or parts of Shawnee Lane, in order to accommodate the required off-road bikepath construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this bikepath construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.
6. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
7. Waiver from the Montgomery County Planning Board for a reduction in the minimum intersection spacing along an arterial (or major) classification roadway. In consideration of the number of units proposed under this plan, we conditionally support allowing the second (western) entrance to serve this site. Until Shawnee Lane is reconstructed as a divided roadway, this entrance should have a right in, right out channelization island.

We recommend this entrance remain in place until another point of ingress/egress onto Shawnee Lane or Observation Drive (on either of the adjacent properties) is open to traffic; the applicant should establish an interest bearing escrow account to implement the private removal of this entrance when directed by the Planning Board staff and/or the Department of Permitting Services.

8. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
9. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

The record plat should reflect necessary cross-easements to allow ingress and egress by the two immediately adjacent properties.

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- 10. This site is located in the Little Seneca Creek (Class IV) watershed. In accordance with Section 49-35(k) of the Montgomery County Code, curb and gutter may not be installed in an environmentally sensitive watershed unless certain waiver criteria have been satisfied. The applicant will need to request approval of closed section roads from DPS.
- 11. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
- 12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
- 13. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
- 14. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
- 13. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the policy area improvements within the Shawnee Lane right-of-way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:
 - A. Reconstruction of Shawnee Lane as a divided arterial roadway, per DPWT design standard MC -217.04 or as otherwise approved, between Gateway Center Drive and Frederick Road (MD 355). The construction phasing is to be as approved by the Planning Board and permitted by the Department of Permitting Services.
 - * **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**
 - B. Enclosed storm drainage and/or engineered channel (in accordance with the DPWT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

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- D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this plan. If you have any questions regarding this letter, please contact me at (240) 777-2197 or greg.leck@montgomerycountymd.gov.

Sincerely,



Gregory M. Leck, Manager
Traffic Safety Investigations and Planning Team
Traffic Engineering and Operations Section

m:/subd/gm/docs/pp/1-05101, Eastside, final

Enclosures (2)

cc: Edward Wallington; Loiederman Soltesz Associates, Inc.
Kelly Drumm; Miller and Smith at Eastside, LLC
Robert J. Spalding; Miller and Smith at Eastside, LLC
Timothy Dugan; Shulman, Rogers, Gandal, Pordy & Ecker
Larry Gordon; Shulman, Rogers, Gandal, Pordy & Ecker
Shahriar Etemadi; M-NCPPC TP
Ki Kim; M-NCPPC TP
Piera Weiss; M-NCPPC DRD
Leo Galanko; DPS WR
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR

APPENDIX B

September 10, 2010

Mr. Edward Wallington
Loiederman Soltesz Associates, Inc.
2 Research Place, Suite 100
Rockville, Maryland 20850

Re: **Revised Final Water Quality Plan for
Eastside (Gallery Park)
SM File #: 214128
Tract Size/Zone:23.8Ac/PD-11Proposed
Tax Plate: EV 43
Parcels: P600
Montg. Co. Grid: 9D07
Watershed: Little Seneca Creek**

SPECIAL PROTECTION AREA

Dear Mr. Wallington:

Based on a review by the Department of Permitting Services, the **Revised Final Water Quality Plan (FWQP)** for the above mentioned site is conditionally approved. This approval is for the elements of the Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The site is located at the intersection of Gateway Center Drive and Shawnee Lane. This proposal is for a multifamily and townhouse development with a zoning of PD-11. This is located within the Little Seneca Creek watershed of the Clarksburg Special Protection Area.

Stormwater Management: Water quantity control for this site will be provided via an extended detention dry pond. This structure will provide channel protection volume for the one-year storm with a maximum detention time of 24 hours per state standards. Quality control will be provided via a combination of structures that includes recharge trenches, surface sand filters, bioswales, microbiofilters and biofilters. These practices are placed in series to provide redundancy. Since open section roads will not be feasible due to the proposed zoning of the site, additional water quality volume will be provided in the proposed water quality and recharge structures. Areas that are intended for vehicular use are to be pretreated prior to entering any water quality structures. The primary water quality structures must be sized to treat a minimum of one-inch over the proposed impervious area with additional volume (1/4" over the impervious area) provided for open section offset. **The revisions to the FWQP include replacing surface sand filters and structural sand filters with biofilters and microbiofilters. Also, several bioswales were added to the plan. These at the surface bio-features replace several underground structures and surface sand filters more in keeping with the ESD design goals.**

Edward Wallington
September 10, 2010
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All of the requirements and conditions of the previously approved FWQP, including sediment control, monitoring and conditions of approval, still apply.

The following are additional conditions which must be addressed in the initial submission of a detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

1. Provide driveway aprons and full depth paving in areas where curbs, sidewalks and/or bike paths must be crossed to access a stormwater management facility.
2. Remove the bioswales from lots 1-21 and replace them with a combination of biofilters and dry wells.
3. Retaining walls are not to be located in stormwater management easements.
4. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended Water Quality Plan requirements.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at (240) 777-6242.

Sincerely,

Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:img:CN214128

cc: J. Sloan (MNCPPC-DR)
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L. Galanko
SM File # 214128

Qn: on-site 23.8 ac
Ql: on-site 23.8 ac.
Recharge Provided