

MAY 22 2012



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 12-33
Site Plan No. 820110040
Project Name: Greenbriar at Norbeck Crossing
Date of Hearing: March 8, 2012

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on May 21, 2009, the Planning Board approved with conditions Preliminary Plan No. 120060610 (MCPB Resolution No. 09-62) to create 118 lots for a maximum of 262 dwelling units, including a minimum of 15% MPDU's on 30.76 gross acres of R-200/TDR-7 zoned land, located in the northeast quadrant of the intersection of Norbeck Road (MD 28) and Georgia Avenue (MD 97); ("Property" or "Subject Property"); and

WHEREAS, on December 8, 2010, the Ryland Group, Inc. ("Applicant"), filed an application for approval of a site plan for 262 dwelling units (including 15% MPDU's) consisting of 24 one-family detached homes, 95 townhomes and 143 garden apartments on the Subject Property; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820110040, Greenbriar at Norbeck Crossing ("Application" or "Site Plan"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 23, 2012, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 8, 2012, the Planning Board held a public hearing on the Application (the "Hearing"), and at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:

Ann M. ... 5/10/12

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

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

WHEREAS, on March 8, 2012, the Planning Board approved the Application, subject to conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, with a vote of 5-0; Commissioners Anderson, 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 59, the Montgomery County Planning Board APPROVES Site Plan No. 820110040, for 262 dwelling units (including 15% MPDU's) consisting of 24 one-family detached homes, 95 townhomes and 143 garden apartments, on the Property, subject to the following conditions:

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120060610 as listed in the MCPB Resolution No. 09-62, unless amended. This includes, but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, Montgomery County Department of Transportation ("MCDOT") conditions, and Montgomery County Department of Permitting Services ("MCDPS") stormwater conditions.

Environment

2. Forest Conservation & Tree Save

The development must comply with the conditions of approval for the Final Forest Conservation Plan dated December 16, 2011, as follows:

- a) A Certificate of Compliance for an off-site forest conservation mitigation bank to meet the 6.45-acre planting requirement must be recorded prior to the start of clearing and grading.
- b) Inspection scheduling must be in accordance with Section 22A.00.01.10 of the Forest Conservation Regulations.
- c) Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
- d) A two-year maintenance and management agreement must be approved prior to M-NCPPC acceptance of any on-site planting.
- e) The Applicant must submit the financial security for planting 0.07 acres prior to the start of clearing and grading.
- f) Applicant must place a Category I conservation easement over all areas of forest retention and forest planting, and show easements on record plats.
- g) Permanent Category I Forest Conservation Easement signs must be placed along the perimeter of the conservation easement area at the time of forest planting.

- h) Split rail fencing will be required along residential lot property lines that abut Category I easements at the time of forest planting.
- i) Trails within the conservation easement area must be designed for construction with mulch or other appropriate natural surface materials, as recommended and approved prior to approval of the Final Forest Conservation Plan by Staff.

3. Noise Attenuation

- a) Prior to issuance of the first building permit, the Applicant must provide certification to Staff from an engineer that specializes in acoustical treatment that:
 - the location of the noise mitigation techniques to attenuate current noise levels to no more than 60 dBA Ldn for the outdoor backyard area of homes and areas of common outdoor activity are adequate; and
 - the building shell for residential dwelling units to be constructed within the projected 65 dBA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) If any changes occur to the Site Plan which affect the validity of the noise analysis dated February 11, 2009, acoustical certifications and noise attenuation features, a new noise analysis will be required to reflect the revised plans, and new noise attenuation features may be required.
- c) Applicant/developer/builder to certify that they will construct the noise impacted units in accordance with the recommendations of the engineer that specializes in acoustical treatments.
- d) For all residential dwelling units to be constructed within the projected 65 dBA Ldn noise contour, the Applicant/developer/builder shall disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification will be accomplished by inclusion of this information and any measures to reduce the impact in all sales contracts, brochures and promotional documents, including: any illustrative site plan(s) on display within any sales related office(s); in homeowner association documents; with all deeds of conveyance; and by inclusion on all certified preliminary and site plans. Notification measures must be provided to Staff prior to issuance of the first building permit.

4. Stormwater Management

The development is subject to conditions in the Stormwater Management Concept approval letter dated January 31, 2011, unless amended and approved by MCDPS.

Open Space and Recreation

5. Common Open Space Covenant

Record plat(s) that include common open space must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant must provide verification to Staff prior to issuance of the 94th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

6. Recreation Facilities

- a) Meet the square footage requirements for all of the applicable recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b) Provide the following recreation facilities: a tot lot, a play lot, a multi-age playground, five picnic/sitting areas, an open play area I and two open play areas II, a bike system, a pedestrian system, and natural areas.

Density & Housing

7. Density

The development is limited to 262 dwelling units consisting of 24 one-family detached homes, 95 townhomes and 143 garden apartments.

8. Transfer of Development Rights ("TDR")

- a) The Applicant must purchase 103 TDR's for the development.
- b) The serial number for each TDR acquired must be shown on its respective record plat.

9. Moderately Priced Dwelling Units ("MPDU")

- a) The development must provide 15 percent of the total number of units as MPDU's on-site, consistent with the requirements of Chapter 25A. The applicant is receiving a 22 percent density bonus for providing 15 percent MPDU's on-site.
- b) The MPDU agreement to build must be executed prior to the release of the first building permit.
- c) All of the required MPDU's must be provided on-site.

Site Plan

10. Compatibility/Architecture

- a) The fronts of the one-family attached MPDU's must be designed and finished with architectural elements comparable to those found on other similar attached market rate units within the site.
- b) Provide architectural treatment that includes two or more of the following: box or bay window, minimum of two windows, shutters, or fireplace, on the side facades of high visibility corner lots. These include: Lots 5 and 33 (Block A);

Lots 1 and 10 (Block B); Lots 1 and 10 (Block C); Lots 1 and 4 (Block D); Lots 1, 8, and 20 (Block E); Lots 1 and 19 (Block F). The details of the architectural treatments must be shown on the Certified Site Plan and submitted to the Montgomery County Department of Permitting Services – Site Plan Enforcement with the building permit applications.

- c) The exterior architectural character, proportion, materials, and articulation of the multi-family buildings must be substantially similar to the conceptual elevations shown on Sheets 1-4 of the submitted architectural drawings (date stamped February 3, 2012), as determined by the Staff.

11. Private Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b) All on-site, down-light fixtures must be full cut-off fixtures.
- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d) Illumination levels shall not exceed 0.5 footcandles (“fc”) at any property line abutting county roads and residential properties.
- e) The height of the light poles above grade shall not exceed 14 feet including the mounting base.

12. Surety

Prior to issuance of first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b) The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture (including gazebo), entrance piers, and private roads within the relevant phase of development.
- c) Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d) Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

13. Development Program

Construct the approved development in accordance with a development program that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree save areas and protection devices.
- b) Street lamps and sidewalks must be installed within six months after street construction is completed (final paving). Street tree planting may wait until the next growing season.
- c) The development program must provide phasing for installation of on-site landscaping and lighting.
- d) Landscaping associated with each parking lot and building must be completed as construction of each facility is completed.
- e) Community-wide pedestrian pathways and recreation facilities must be completed prior to the following thresholds:
 - 1) The Village Green including the large open play area, a play lot, a gazebo, and landscaped areas, must be completed prior to issuance of the 31st building permit, which is the first building permit to be issued in Phase II.
 - 2) The 8-foot bike path must be completed as construction of Public Road B is completed (final paving).
- f) Local recreational facilities and site elements must be completed prior to the following thresholds:
 - 1) Phase I (southwest parcels consisting of 143 multi-family dwelling units, 20 townhouses, and 4 one-family detached units):
 - i. The tot lot adjacent to the multi-family building 6 must be installed prior to the release of the 1st use and occupancy permit for Building 6.
 - ii. The open play area II including the path and associated landscape immediately south of the multi-family building 1 must be completed prior to release of the 1st use and occupancy permit for Building 1.
 - iii. The picnic and lawn area immediately south of the multi-family building 4 must be completed prior to release of the 1st use and occupancy permit for Building 4.
 - 2) Phase II (northeast parcel consisting of 75 townhouses, and 20 one-family detached units):
 - i. The recreation area including multi-age playground, open play area II, and picnic areas, located within the townhouse cluster and abutting Public Road 'B', must be installed prior to the issuance of the 53rd building permit, which represents 70 percent of the 75 townhouse units in this phase.

- ii. The 6-foot board-on-board fence in the rear of Lots 6-10 (Block B and C) must be installed prior to release of the use and occupancy permit for the last unit in each block.
- g) On-site amenities including, but not limited to, sidewalks, benches, picnic tables, trash receptacles, and bicycle facilities must be installed as construction of each recreational facility is completed.
- h) Provide each section of the development with necessary roads.
- i) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

14. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and information provided subject to Staff review and approval:

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.
- b) Modify data table to reflect development standards enumerated in the staff report.
- c) Revise recreation calculations to reflect those in the Staff Report.
- d) Ensure consistency off all details and layout between Site Plan and landscape plan.
- e) Revise Phase I boundary line to include the Village Green in its entirety.

BE IT FURTHER RESOLVED, that all site development elements as shown on Greenbriar at Norbeck Crossing drawings stamped by the M-NCPPC on December 16, 2011, and January 27, 2012, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the project.*
2. *The Site Plan meets all of the requirements of the R-200/TDR-7 zone.*

As shown on the data table below, which sets forth the development standards approved by the Planning Board and binding on the Applicant, the Application meets all of the applicable requirements of the R-200/TDR-7 Zone under the optional method of development using TDR's and MPDU's. By providing 15% of the units as MPDU's, the Applicant is receiving a 22% density bonus for a total of 262 dwelling units. The Applicant is required to provide 103 TDR's, which is two-thirds of the number of development rights permitted to be transferred to the property (or 154), per Section 59-C-1.393(b).

The development standards for the optional method of development using TDR's require compliance with the compatibility requirements of the PD Zone per Section 59-C-7.15. The Subject Property adjoins land zoned R-200/TDR-7, which is the same zone as the Subject Property and thus enables similar densities as those approved. As further discussed in finding no. 4 below, the Site Plan is compatible with other uses, and with existing adjacent development.

Data Table for the R-200/TDR-7 Zone, Optional Method of Development

Development Standards	Approved by the Planning Board and Binding on the Applicant
Site Area (acres)	
Gross Tract Area (GTA)	30.76
Less Previous Dedication for Norbeck Road & Coolidge Ave	0.74
Net Lot Area	30.02
Density	
Density of Base Zone (R-200)	61 du (= 30.76 x 2)
Density with TDR's	215 du (= 30.76 x 7)
Density with MPDU Bonus (22%)	262 du (= 215 x 1.22)
MPDU Bonus Density	47 du (= 262 - 215)
Number of MPDU's (15%)	<u>40 MPDU's</u> (= 262 x 0.15)
- One-family attached	16
- Multi-family	24
1-bedroom	(3)
2-bedroom	(21)
Unit Mix (59-C-1.395)	
- One-family detached	9.2% ^(a) (24 du)
- One-family attached	36.2% (95 du)
- Multi-family	54.6% ^(a) (<u>143 du</u>)
1-bedroom	(18)

2-bedroom Total	(125) 100% (262 du)
TDR's - Max TDR's allowed - Min TDR's required (59-C-1.393(b))	154 (= 215 - 61) 103 (= 2/3 x 154)
Min. Green Area	
(% of GTA) (59-C-1.395)	64% (19.6 acres)
Min. Setbacks (feet)	
One-family detached - From Street (front) - From Street (side) - Rear - Side	15 10 20 3
One-family attached - From Street (front) - Rear - Side	10 5 0
Multi-family - From Street - Front - Rear - Side - Between multi-family buildings	10 0 0 0 30
Accessory Buildings - Front - Rear - Side	40 5 3
Min. Lot Area (square feet)	
One-family detached One-family attached Market rate units MPDU's Multi-family	4,000 1,500 1,100 5,000
Max. Building Height (feet)	
One-family detached One-family attached Multi-family Accessory building	40 40 55 (4 stories) 25
Vehicle Parking (number of spaces) (59-E)	
Residential - One-family detached (24) - One-family attached (95)	<u>495</u> 48 (2 sp/du) 200 (2.1 sp/du)

- Multi-family 1-bedroom (18) 2-bedroom (125)	247
Bicycle Parking (number of spaces)	
Racks	36
Motorcycle Parking	
Number of spaces	5

^(a) At the time of Preliminary Plan, the Planning Board approved a waiver to reduce the minimum percentage of one-family detached units from the required 15% to 8.8%, and to raise the maximum percentage of multiple-family units from the required 35% to 55%.

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a) Buildings and Structures

The Site Plan is approved for 262 dwelling units, consisting of 24 one-family detached units, 95 one-family attached/townhouse units, and 143 multi-family units. The Site Plan efficiently locates the higher density multi-family uses near the intersection of Georgia Avenue and Norbeck Road, in proximity to the future Georgia Avenue busway and adjacent to the Park and Ride lot, and adequately transitions to the surrounding one-family neighborhood to the east by locating townhouses in the central portion of the site and one-family detached units towards Bradford Road. The location of the units towards the center of the Property provides adequate buffer and separation from the Georgia Avenue and Norbeck Road intersection, and from the ICC on-ramp along the northern portions of the site.

The multi-family units are divided into six, 4-story buildings, which are generally oriented towards the public streets with surface parking in the rear. The buildings follow the street layout with pedestrian egress/ingress points on the side facing the street. In the rear, these buildings extend providing covered parking for some units. The areas of surface parking adequately meet the parking needs of the future multi-family residents with an excess of 36 spaces, while providing safe access between the parking areas and the buildings away from the main circulation routes.

The units in the townhouse cluster north of the WSSC parcel are oriented toward Public Road B and a large open space area abutting the road. The majority of these units are rear-loaded and follow a well-connected system of private streets.

Parking for these units is provided on private lots with a combination of garage and driveway spaces.

One-family detached units front Public Road B as it extends towards Bradford Road. These units are front loaded with rear yards oriented towards existing rear yards of adjacent homes. Parking for these units is provided on the private lots with a combination of garage and driveway spaces.

South of the WSSC parcel, a group of rear-loaded townhouses fronts on Public Road A and is served by a private street connecting to the multi-family parking areas and internal vehicular circulation system. The location of these townhouses allows for existing forest to be protected between the new units and the southern property boundary at Norbeck Road, which creates an adequate buffer and provides screening.

Additional on-street parking is accommodated along Public Roads A and B, subject to MCDOT and Fire Marshall's approval. The Planning Board recommended continued coordination with the necessary public agencies to accommodate additional on-street parking.

The Site Plan proposes entrance piers at the two entrances to the development off Norbeck Road. These piers adequately identify the community and efficiently contribute to the sense of arrival.

b) Open Spaces

The Site Plan will preserve the existing forest near the Georgia Avenue and Norbeck Road intersection as well as near the ICC on-ramp along the northern portions of the site as open space and amenity area with limited access, and provide smaller open spaces and active recreation areas within the residential clusters.

The open spaces are adequately dispersed throughout the development to provide safe and convenient access to all residents, while efficiently softening the elements of the built environment. The Site Plan proposes three main areas of open space that are visually connected to each other and linked by smaller open spaces, sidewalks, and landscaping. (1) The "Village Green," located at the intersection of Coolidge Avenue and Public Road "A", consists of approximately 1.41 acres which includes a large open play area, a play lot and landscaped areas. This significant open space serves as a park like feature, and its location on the east end of the Property creates an effective buffer for existing homes. (2) Within the townhouse cluster north of the WSSC parcel, 0.5 acres of open space has been consolidated immediately north of Public Road B providing an area of

open play, a multi-age playground, and a picnic area. (3) Within the cluster of multi-family buildings, the main area of open space is distributed on all quadrants of the intersection of Public Road A and B, and it includes an open play area, a tot lot, seating areas, and landscaped areas. All open spaces (both active and passive) are accessible to all residents of the development.

c) Landscaping and Lighting

The landscape plan provides adequate buffer and screening along Norbeck Road on the southern property boundary, where it complements a stand of existing forest to be protected. The plant material in this area includes mostly evergreen trees and shrubs.

Additionally, the landscaping provides canopy coverage and shade for parking areas, roads, and open spaces. A variety of trees line all the streets. Smaller plant material, such as herbaceous plants, evergreen and deciduous shrubs and ornamental trees, frames and complements the entrance to the development and defines amenity areas. The playground areas and open play areas are framed by a variety of plant material that adds interest and delineates the spaces while maintaining a safe environment for children.

Street lighting consists of pole mounted light fixtures with a maximum height of 14 feet located on all public and private roads, and the surface parking areas for the multi-family buildings. The lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties.

d) Recreation Facilities

The recreation facilities provided include a tot lot, a play lot, a multi-age playground, five picnic/sitting areas, several open play areas, a bike system, a pedestrian system, and natural areas. This development meets all the recreation requirements to satisfy the *1992 M-NCPPC Recreation Guidelines* on-site. The facilities adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible opportunities for recreation for the various age groups.

e) Vehicular and Pedestrian Circulation

Access to the site from the local street network will be from two locations on Norbeck Road; one at Coolidge Avenue and the other at what is now the access road to the Park and Ride lot and golf driving range. The internal street network will consist of public roads and private roads. The majority of internal street linkages, Roads "A", "B", and Coolidge Avenue, will be public, and private roads

will provide access to a significant portion of the multi-family units and townhomes.

The main entrance to the development will be at the western entrance point currently along the Park and Ride access road. There will be full movement at this location both to, and from, east- and west-bound Norbeck Road. The proposed configuration of this intersection is temporary until such a time that it is reconstructed as part of a future SHA project to tunnel Norbeck Road under Georgia Avenue.

The second point of access will be at Coolidge Avenue, which will require a short service road type entrance to be constructed so that vehicles can gain right-in only ingress at the existing Norbeck Boulevard signalized intersection. Egress from the development at Coolidge Avenue will be a right-out only movement that directs traffic in a west bound direction. The proposed intersections to Norbeck Road and the internal public and private street right-of-way widths are all in conformance with those approved by the Preliminary Plan as part of the Adequate Public Facilities Review.

The pedestrian and bicycle circulation systems adequately and efficiently integrate this site into the surrounding area. An 8-foot wide bike path is provided along the Property's frontage on Norbeck Road, enters the site on Public Road A and follows along the north side of Public Road B towards existing Bradford Road. This bike path effectively connects pedestrians and bicyclists in this development to the East Norbeck Local Park as recommended by the Master Plan. Within the site, 5-foot wide sidewalks on both public and private streets facilitate pedestrian circulation and access to the various units, open spaces, and amenities. A 5-foot wide natural surface path provides limited access to natural areas that are protected with conservation easements.

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

Compatibility with existing one-family neighborhoods to the east is achieved by locating the higher density multi-family uses to the west of the Property and transitioning them to the lower density townhouse uses in the central portion of the Property and one-family detached uses beyond to the east. This step down approach in terms of density and intensity of uses achieves compatibility with the surrounding neighborhoods to the east. In addition, surrounding neighborhoods are zoned R-200/TDR-7, which is the same zoning as the Subject Property, and as a result, have the potential to develop with similar densities and lot sizes as the subject development.

Design measures to provide compatibility with existing homes include six-foot high fences in the rear yards of the new one-family detached units that abut existing lots; and keeping existing vegetation along the perimeter of the Village Green, where it abuts existing lots to buffer the existing lots and protect the privacy of their rear yards.

Within the site, compatibility will be achieved through architectural treatments on the side façades of corner units and front façades of the MPDU's. As conditioned, the side façades of corner units fronting a public street will include materials and architectural design treatment comparable to the fronts of those units. The fronts of the MPDU's will be designed and finished with architectural elements comparable to those found on market-rate attached units within the site.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

This development is subject to the County Forest Conservation Law. Two Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) No. 419960880 and No. 420053380 were approved on January 5, 1996, and November 28, 2005 (and recertified on June 6, 2012), respectively. The Preliminary Forest Conservation Plan ("PFCP") was approved by the Planning Board as part of the Preliminary Plan in which the Board found that the Preliminary Plan satisfied all applicable requirements of the Forest Conservation Law.

The forest conservation requirements for this plan have been determined using the natural conditions prior to the golf course development per the 1996 NRI/FSD. This means that there is no loss of forest compensation due to the incremental nature of development on the site. The predevelopment existing forest cover is 16.71 acres. Total forest removed as part of both previous (existing) and current (proposed) development is 14.51 acres. The remaining 2.20 acres of forest will be retained and placed in Category I easements.

As per Sec. 22A-12(f)(2)(B), "*In a planned development or a site developed using a cluster or other optional method in a one-family residential zone, on-site forest retention must equal the applicable conservation threshold in subsection (a)*".

For the Subject Property, the conservation threshold is 20%, or 6.0 acres. The development meets this requirement by planting an additional 3.8 acres onsite. The additional 4.32 acres of forest conservation requirements will be met off-site.

The storm water management concept approved on January 31, 2011, consists of on-site channel protection measures via construction of three detention ponds;

on-site water quality control and on-site recharge via construction of five sand filters, three biofilters, and other non-structural measures including rain garden, bioswales, dry wells and recharge trenches. Some of the structures were intentionally over-sized to avoid exacerbating flooding problems in adjacent neighborhoods.

A noise analysis was conducted and it revealed that the residential units nearest Norbeck Road, Georgia Avenue and the ICC will be affected by current and future vehicular noise. The noise analysis indicates that unmitigated noise levels will range from 60 and 65 dBA Ldn for the units adjacent to all three roads, which are greater than the levels recommended in the Planning Board Adopted Noise Guidelines.

In order to mitigate noise to appropriate levels, Townhouse Lots #42-56, Block A, and one-family detached Lot #4, Block D have their rear yards and lower stories protected by a 6-ft high board on batten noise fence. The upper stories of those residential units and all multi-family units and rear loaded townhouse units affected by excessive noise will rely entirely upon acoustical treatment to meet the indoor noise guideline of 45 dBA Ldn.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is MAY 22 2012 (which is the date that this Resolution is mailed to all parties of record); and

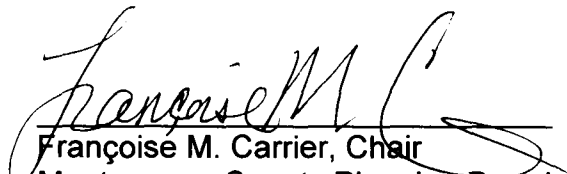
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, May 17, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board