



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

MAY 2 2013

MCPB No. 13-55
Site Plan No. 820070140
Toll 1, Cabin Branch
Date of Hearing: April 18, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, the Cabin Branch development ("Cabin Branch") is a 535-acre triangular tract of land, bordered by I-270 to the east, MD 121 to the west and West Old Baltimore Road to the south; and

WHEREAS, on September 9, 2003, by Resolution No. 15-326, the Montgomery County District Council approved Local Map Amendment G-806 ("LMA") to reclassify the eastern half (approximately 283.5 acres) of the Cabin Branch tract to the MXPD zone leaving the remaining western half (approximately 257 acres) in the RMX/TDR zone; and

WHEREAS, the Development Plan approved with the LMA ("Development Plan") included binding elements, a Land Use Plan and other graphical exhibits that applied to the entire Cabin Branch; and

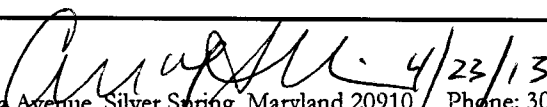
WHEREAS, on June 22, 2004, the Planning Board approved with conditions Preliminary Plan No. 12003110A¹ (including a preliminary Forest Conservation Plan and a preliminary Water Quality Plan) for a maximum of 1,600 residential dwelling units, 500 elderly housing units, and 1,538,000 square feet of commercial space, on the 535-acre Cabin Branch tract, to be developed in phases through individual site plans; and

WHEREAS, on September 19, 2007, by MCPB Resolution No. 07-131, the Planning Board approved with conditions Site Plan No. 820050150 for an Infrastructure and Roads Only Site Plan, including the final Water Quality Plan and final Forest

¹ An application for preliminary plan of subdivision, designated Preliminary Plan No. 120031100 was submitted for Cabin Branch, but later modified and replaced with Preliminary Plan No. 12003110A, prior to Planning Board action.

Approved as to

Legal Sufficiency

 4/23/13

9997 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320

M-NCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

Conservation Plan ("Infrastructure Site Plan") to accommodate the previously approved 1,600 residential dwelling units, 500 senior units (including 236 moderately priced dwelling units ("MPDUs")), using 635 transferable development rights ("TDRs"), and 1,538,000 square feet of retail and employment, on the Cabin Branch tract; and

WHEREAS, on June 9, 2008, by MCPB Resolution No. 08-68, the Planning Board approved with conditions Site Plan No. 82005015A amending the Forest Conservation Plan as approved with the Infrastructure Site Plan for the design and cross section of West Old Baltimore Road; and

WHEREAS, on October 6, 2008, by MCPB Resolution No. 08-117, the Planning Board approved with conditions Preliminary Plan No. 12003110B (including amendments to the Forest Conservation Plan and Water Quality Plan) to allow an additional 286 residential dwelling units and an additional 882,000 square feet of commercial space for a total of 1,886 residential dwelling units, 500 dwelling units for senior housing, and 2,420,000 square feet of commercial space on the Cabin Branch tract; and

WHEREAS, on March 17, 2012, by MCPB Resolution No. 11-124, the Planning Board approved with conditions Site Plan No. 82005015B to revise the forest conservation phasing as approved with the Infrastructure Site Plan so that it would be better coordinated with the construction phasing; and

WHEREAS, on November 27, 2012, the Planning Director administratively approved Site Plan No. 82005015C to make a minor modification to the Forest Conservation Plan as approved with the Infrastructure Site Plan to reflect the relocation of a water line on the Cabin Branch tract; and

WHEREAS, on February 13, 2007, Toll Brothers, Inc., Winchester Homes, Inc., and Cabin Branch Management, LLC ("Applicant"), filed an application for approval of a site plan for 436 residential dwelling units (240 single-family detached units, 68 single-family attached units, and 128 multi-family units), of which 62 are MPDUs, using 160 TDRs on an 80.73 acre portion of Cabin Branch, zoned MXPB and RMX-1/TDR-3,² located in the southwest quadrant of the intersection of Clarksburg Road and Interstate 270 ("Subject Property"), in the Clarksburg Policy Area, Clarksburg Master plan ("Master Plan") area; and

² Within the 12.88 acres in the MXPB zone, the Application was for 190 residential units, comprised of 62 one-family attached units of which 4 units are MPDUs, and 128 multi-family (2-over-2) units of which 62 units are MPDUs. Within the 67.85 acres in the RMX-1/TDR-3 zone, the Application was for 247 residential units, comprised of 241 one-family detached units, and 6 one-family attached units using 162 TDRs. Within that area, the Planning Board approved 246 residential units comprised of 240 single-family detached units, 6 single-family attached units, and 128 multi-family units, using 161 TDRs.

WHEREAS, Applicant's site plan application was designated Site Plan No. 820070140, Toll 1, Cabin Branch ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 8, 2013, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 18, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 18, 2003, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Anderson, seconded by Commissioner Wells-Harley, with a vote of 4-0; Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor, and with Commissioner Presley absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820070140 for 436 residential dwelling units (240 single-family detached units, 68 single-family attached units, and 128 multi-family units), of which 62 are MPDUs, using 161 TDRs on the Subject Property, subject to the following conditions:³

Conformance with Previous Approvals

1. Development Plan Conformance

- a. Applicant must comply with the applicable binding elements, general notes, and the development program as shown on the Certified Land Use Plan of the Development Plan, dated September 9, 2003; and
- b. Applicant must comply with the conditions and binding elements adopted in *Opinion 15-326*, amending the Zoning Ordinance Map approved by the District Council, September 9, 2003.

2. Preliminary Plan Conformance

Applicant must comply with the conditions of approval for Preliminary Plan No. 12003110B as set forth in *MCPB Resolution No. 08-117*, and as amended.

3. Infrastructure Site Plan

Applicant must comply with conditions of approval of:

³ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a. Site Plan No. 820050150, as set forth in the MCPB Resolution No. 07-131, and as amended;
- b. Site Plan Amendment No. 820050150A, set forth in Resolution 08-68, and as amended;
- c. Site Plan No. 820050150B, set forth in Resolution No. 11-124, and as amended;
- d. Site Plan No. 82005015C, approved on November 27, 2012; and
- e. Any further amendments to the Infrastructure Site Plan, including such amendments as may be implemented through other site plans for Cabin Branch.

4. Cabin Branch Design Guidelines for Site Plan Review

- a. Applicant must comply with the Cabin Branch Design Guidelines for Site Plan Review ("Design Guidelines") as referenced in the letter from KTGy, Inc.⁴, dated February 27, 2013.
- b. Applicant must submit with building permit applications for each Development Program Phase, an approval from the Town Architect stating that the buildings within that phase are in conformance with the certified Site Plan and with design specifications of the Guidelines.
- c. Applicant must submit to the Director of Planning (or designee) architectural plan construction documents from which Applicant will submit individual building permit applications for each Development Program Phase, for Design Guidelines conformance review.
- d. Submissions will be deemed approved after 10 days, unless Applicant is notified that the submission does not comply.

Density

5. Housing and Major Amenities

- a. Within the 12.88 acres in the MXPd zone, the development is limited to 190 residential units, comprised of 62 one-family attached units of which 4 units are MPDUs, and 128 multi-family (2-over-2) units of which 62 units are MPDUs.
- b. Within the 67.85 acres in the RMX-1/TDR-3 zone, the development is limited to 246 residential units, comprised of 240 one-family detached units, and 6 one-family attached units using 161 TDRs.

6. Green Space Allocation

Prior to issuance of the 175th building permit, Applicant must provide a binding commitment from all of the owners of property zoned MXPd in Cabin Branch, satisfactory to Staff, that an additional 3.97 acres (over and above the acreage set aside for prior site plans in Cabin Branch) of green area required under this Site Plan will be set aside to provide the green space allocation required.

⁴ As of the date of this Site Plan approval, KTGy, Inc. was selected as the Town Architect pursuant to condition 3.b of the Infrastructure Site Plan.

7. Montgomery County Department of Permitting Services

- a. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") in its letter dated March 5, 2013 ("Agency Letter"), and does hereby incorporate them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the Agency Letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b. The Planning Board has accepted the recommendations of MCDPS-Zoning in its letter dated February 15, 2013 ("Agency Letter"), and does hereby incorporate them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the Agency Letter, which may be amended by MCDPS provided that the amendments do not conflict with other conditions of the Site Plan approval.

8. Montgomery County Fire and Rescue Service

The Planning Board has accepted the recommendations of the Montgomery County Fire and Rescue Services ("DFRS") in its letter dated March 21, 2013 ("Agency Letter"), and does hereby incorporate them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the Agency Letter, which may be amended by DFRS provided that the amendments do not conflict with other conditions of the Site Plan approval.

9. Site Plan Amendment

a. *Community Center, Pool, and Community Green*

Prior to record plat, the Applicant must submit a Site Plan Amendment that includes the following information regarding the design of the Cabin Branch Community Center and Pool amenities:

- i. **Site Plan Drawings**
Include the community-wide amenities and their context, including the block in which they are located and the adjoining streets or portions of blocks.
 - a) Measured site plan at 1"=30' scale showing the entire Block V containing the Community Center site and pool as well as a portion of the Block Y from the Community Center up to and including lots 43 and 50; show the street right-of-ways, PUEs, PIEs, infrastructure, grading; show lot lines and housing footprints, setbacks.
 - b) Site detail drawings at 1/16"= 1', or appropriate scale.
 - c) Site Sections: transverse and longitudinal site sections including the entire block and surrounding streets.

- d) Site Elevations at 1"=30' scale showing the entire pool, all of the public areas, building façades from both adjoining public streets within the context of the adjoining housing.
- ii. **Architectural Drawings**
Provide architectural building plans, sections, and elevations (1/16" =1' or appropriate scale) showing the following: ingress and egress, location of one power feed with meters for electric car charging station at the Community Center parking bay, circulation and services, public rooms, dimensions, details and specifications, materials, furnishings and fixtures; provide transverse and longitudinal building sections; provide the architectural program of requirements.
- iii **Landscape and Lighting:**
- a) Landscape plan at 1"=30' scale.
 - b) Landscape detail drawings showing grading, furnishings and fixtures, lighting lead walks, retaining walls showing top and bottom elevations, and seating wall thickness, materials, planting (size, spacing, proposed species and alternate species); provide details and dimensions for fencing, furnishings, fixtures with the entire Community Center block.
 - c) Comprehensive lighting schedule keyed to the plan; fixture performance specifications.
- b. *Dovekie Lawn*
- i. Relocate the ensemble of Multi-age Play Equipment shown within Dovekie Lawn (Block T) to the Seneca Ellipse (Block AL).
 - ii. Provide five single pieces of play structures for Block T, Parcel B, or Parcel E.; select from Kompan Galaxy Solitaires Series such as Spica, Spica Junior, Moments, Vega, Orbits, Argo, Stellanova, Starsurfer to allow 5 activities such as jumping, spinning, gathering, balancing, and rocking. Install the equipment within a mulch cover, marking the area edges with ground planting; provide two benches and a decorative lighting fixture at the northeast corner of Parcel B.
 - iii. Provide two backed benches facing Dovekie Lawn in front of Units 49, 50.
- c. *Seneca Ellipse*
Provide an elliptical area for Multi-age Play within the upper portion of the Seneca Ellipse to accommodate 10 activities. The play equipment may be installed across the upper portion of the Ellipse within separated islands to

allow siting for footings that accommodate the underground stormwater management facility. Provide a multi-element ensemble, Kompan Galaxy Series (either Kuma, Adara, Altair) supplemented by pieces such as Orbits as needed to provide for activities. Utilize M-NCPPC Parks Department installation standards.

10. Maintenance Responsibility

The Applicant, its successors, assignees, and/or the successor HOA shall be responsible for maintaining community-wide amenity features such as HOA playgrounds, HOA open spaces, retaining walls, parking facilities, streetscape elements and natural features.

Sustainable Design

11. Energy Efficiency

Applicant must comply with Montgomery County requirements for energy efficiency for residential dwelling units.

Transferable Development Rights

12. Acquisition and Recordation

- a. The serial number for each TDR acquired must be shown on its respective record plat.
- b. The Applicant must purchase 161 TDRs for the development.

Moderately Priced Dwelling Units

13. Location and Phasing of MPDUs

- a. The development must include 66 MPDUs (15.0 % of total number of units approved), on-site in accordance with the letter dated February 5, 2013, from the Department of Housing and Community Affairs ("DHCA") to the Applicant. The minimum number of units for this Site Plan is 55 MPDUs (12.5%). The additional 11 units provided above the minimum will be credited toward the Toll 2, Cabin Branch development (Site Plan No. 820100030).
- b. Applicant must execute the MPDU Agreement-to-Build with DHCA prior to issuance of the first building permit.

Parks

14. Dedication of Land to M-NCPPC for Use as Parkland

- a. Prior to record plat, Applicant must dedicate by deed to M-NCPPC the area of contiguous land that is located between the residential lots and the unnamed

western fork of Cabin Branch substantially as shown on the Site Plan ("Local Park"). Precise boundaries of the Local Park must be approved by MNCPPC Department of Parks staff prior to certified Site Plan without the necessity of amending the Site Plan or preliminary plan. All land must be conveyed free of trash and unnatural debris; park boundaries staked and signed to distinguish from private properties.

- b. Applicant must construct natural surface trails on dedicated parkland and throughout the community, substantially as shown on the Site Plan, to connect residential areas, open spaces and parkland together in an accessible, pedestrian friendly manner in order to provide recreational opportunities to the communities within the subdivision and Cabin Branch community. Precise locations as they are field located must be approved by MNCPPC Department of Parks staff prior to certified Site Plan without the necessity of amending the site plan or preliminary plan. Trails within parkland to be constructed to Parks Department standards and specifications after procurement by Applicant of park permit. Appropriate signage and any bridges, as determined by Department of Parks staff to be necessary, to be provided by Applicant and constructed to Parks Department standards and specification.
- c. No retaining walls or stormwater management ponds or facilities may be located on area to be dedicated.

15. Common Open Space Covenant

Common Open Space Covenant recorded at Liber 28045 Folio 578 must be referenced on the record plat and in the recorded HOA documents.

Development Program

16. Development Program Requirements

The Applicant must construct the development in accordance with a development program to be approved by Staff prior to the approval of the certified Site Plan.

Phasing

a. Housing

- i. Block AL site work must be completed within the first phase of construction.
- ii. Phase 1 must include Block S, Block T, Block AL, Block V and the Community Green with Lots 45-49 within Block Y. Lots 45-49 in Block Y must be complete prior to any other lots within Block Y.
- iii. Sequencing for Phase 2, Phase 3 and Phase 4 may be flexible, with sections interchanged, subject to Staff review and approval.

b. Streetscape

- i. Street lamps and sidewalks for public streets, private streets and alleys must be installed within six months after street construction is completed.
- ii. Street tree planting must be completed no later than the first planting season after completion of the residential units or park and school facilities adjacent or adjoining the subject streets.

c. Local Recreational Facilities

- i. Prior to issuance of the 126th building permit, the recreational facilities in Phase 1 must be complete. These include the Community Green, Dovekie Lawn, Seneca Ellipse, and the Fulmer Green (located within Block AH), integral sitting and picnic areas, a tot lot, bicycle racks, and the bicycle system paths within this phase ("Phase 1 Recreational Facilities"). Each Phase 1 Recreational Facility shall be completed as the homes on that block are completed, and in no event later than issuance of 70 percent of building permits for the units in Phase 1, with the exception of the Seneca Ellipse (see condition (b)(iv), below), the Fulmer Steps, the Community Center and Pool, and the Community Green (see condition (c)(iii), below). Landscaping and lighting associated with the Phase 1 Recreational Facilities must be installed no later than six months (or within the next planting season) after the completion of those facilities.
- ii. Prior to issuance of the 180th building permit, the recreation facilities in Phase 2 shall be complete. These include Moorhen Mews and the Trailhead connection ("Phase 2 Recreational Facilities"). Each Phase 2 Recreational Facility shall be completed as the homes on that block are completed, and in no event later than issuance of 70 percent of building permits for the units in Phase 2. Landscaping and lighting associated with the Phase 2 Recreational Facilities must be installed no later than six months (or within the next planting season) after the completion of those facilities. The Moorhen Mews must progress with the construction of the adjacent residential units and be completed no later than six months after completion of the landscaping and lighting associated with the adjacent units.
- iii. Prior to the issuance of the 117th building permit, the recreation facilities in Phase 3 shall be complete. These include the Fulmer Steps with their connection to the Winchester II Commons, the Block X Green, and the Trailhead connection within the west side of Block Y ("Phase 3 Recreational Facilities"). Each Phase 3 Recreational Facility shall be completed as the homes on that block are completed, and in no event later than issuance of 70 percent of building permits for the units in Phase 3. The recreation facilities in Phase 3 include integral sitting and picnic areas, bicycle racks, and the bicycle system paths within this phase. Landscaping and lighting associated with the Phase 3 Recreational Facilities must be installed no later than six months (or within the next

planting season) after the completion of those facilities. The Fulmer Steps must progress with the construction of the adjacent residential units and be completed no later than six months after completion of the landscaping and lighting associated with the adjacent units.

- iv. The Seneca Ellipse Recreational Facility, located within Phase 1 must progress with the construction of the multi-family units, and the multi-age playground must be completely installed no later than the issuance of 50 percent of building permits for the multifamily units on Block AL.
- d. Community-Wide Recreational Facilities (applicable to Cabin Branch as a whole of which this Site Plan is a part)
- i. In accordance with the Preliminary and Infrastructure Site Plans, prior to the issuance of the 440th residential building permit for the entire Cabin Branch development, the school site and Local Park must be rough graded.
 - ii. In accordance with the Preliminary and Infrastructure Site Plans, prior to the issuance of the 650th residential building permit for the entire Cabin Branch development, the Local Park, including all facilities, amenities and parking facilities shall be constructed.
 - iii. In accordance with the Preliminary and Infrastructure Site Plans, prior to issuance of the 650th residential building permit for the entire Cabin Branch development, a building permit must be obtained for the Community Center and pool.
- e. General Covenant
- i. The Development Program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.
 - ii. On-site amenities associated with each block, including but not limited to, sidewalks, pathways, furnishings such as benches, trash receptacles, and bicycle facilities must be installed prior to the completion of the units on the block, and completed prior to the release of the building permits for the last 30 percent of units on the block.
 - iii. On-site landscaping and lighting associated with the construction of private roads and common areas shall be installed no later than six months (or within the next planting season) after the completion of those roads and common areas.
- f. Clearing and Grading
Clearing and grading must not occur prior to approval of the Final Forest Conservation Plan and the certified Site Plan and must correspond to the construction phasing to minimize soil erosion, except as may be otherwise specified in the Infrastructure Site Plan.

17. Surety

Prior to issuance of the first building permit within each relevant phase of development, the 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. The 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, entrance piers, retaining walls, and private roads within the relevant phase of the development.
- c. Prior to issuance of the first building permit, the 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.
- e. The surety must include Seneca Ellipse, Dovekie Lawn, Moorhen Mews, Fulmer Street Steps and Green, Community Green, Stilt Street Trailhead, Moorhen Mews Trailhead, but does not need to include the Community Center, Community Center Pool⁵, school or Local Park site, areas within public ROW or SWM pond easements, or improvements on residential lots.

Environment

18. Forest Conservation

- a. The record plat shall reflect a Category I conservation easement over all areas of stream buffers and forest conservation.
- b. All off-site reforestation must occur within the Clarksburg Special Protection Area unless otherwise specifically approved by the Planning Board.
- c. The implementation of the project's forest conservation mitigation requirements which includes forest retention, onsite and offsite afforestation, reforestation and landscape credit, may be phased, but the phasing must be proportionate to the greater of i) the area proposed for disturbance relative to the total project size, or ii) the amount of density for each stage relative to the total project density. The phasing triggers, forest conservation mitigation type, amount of mitigation, and disturbance areas are to be defined on the Final Forest Conservation Plan and revised with subsequent site plans or through the Infrastructure Site Plan.

⁵ Surety for the Community Center and Community Center Pool will be included as a condition of the Site plan Amendment required by condition no. 9 of this Site Plan.

Conservation easements may be recorded using a metes and bounds description and sketch if preceding recordation of plats, provided the recording information for the conservation easement is referenced and the easement line is shown on the record plats.

19. Stormwater Management/Final Water Quality Plan

- a. The development is subject to a Final Water Quality approval conditions dated December 9, 2009 and reconfirmed on March 14, 2013, unless amended and approved by MCDPS– Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan or the final Forest Conservation Plan approved with the Infrastructure Site Plan.
- b. Reforestation of the stream buffer is to begin in the first planting season after issuance of the first grading permit by MCDPS and pursuant to the phasing set forth in the Final Forest Conservation Plan.

20. Noise

Limit the acceptable noise levels to a maximum 65 LdN for residential rear yards, per Montgomery County Guidelines.

Certified Site Plan: General Requirements

21. The Applicant must make the following revisions and/or provide the following information to Staff for review and approval prior to approval of the certified Site Plan:

- 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 the data table to reflect development standards approved and binding in the Planning Board Resolution.
- c. Include detailed Phasing Plan showing phasing lines consistent with the Development Program.
- d. Show definitive lot sizes, with building envelope setbacks labeled.
- e. Remove the following notes from the Cover Sheet and any/all drawing sheets:
 - i. *Lot sizes are subject to minor modifications at the time of record plat review but will remain generally consistent with the site plan and shall comply with the stated min/max development standards.*
 - ii. *In addition to the garage serving the primary residence, the following uses may be added to the garage in the following zones: Carriage House-MXPD Zone, Guest House-RMX1/TDR Zone.*
- f. The Applicant must make the following revisions to the environmental elements:
 - i. Show Limits of Disturbance;
 - ii. Show undisturbed stream buffers, except where approved outfalls are located;
 - iii. Indicate methods and locations of tree protections;

- iv. Show Forest Conservation easement areas;
- v. Add a note to the Site Plan stating that Staff must inspect all forest conservation and tree-save areas and protection devices prior to clearing and grading;
- vi. Describe environmental setting protection for the historic resource or site; and
- vii. Verify the maximum building coverage for each lot and document the remaining available on-lot green space.

Certified Site Plan: Specific Site Design

Staff may approve minor modifications to the requirements of condition nos. 22, 23, 24, 25, 26, and 27 at the time of certified Site Plan review.

22. Residential Blocks and Streets, Housing & Site Design

Show the following revisions on the certified Site Plan:

- a. Block S
 - i. Shift Unit 55 westward toward Broadway to match the building line established by Units 56-64, or use a bay window or oriel; utilize a finished masonry material and provide fenestration on the wall facing Broadway; extend the building wall to screen the driveway apron from view on Broadway; and
 - ii. Shift Unit 64 northward to the lot line in order to continue the building line established by Units 1, 30 and 31, or use a bay window or oriel.
- b. Block T:
 - i. Match the north building line of attached Units 36-40 on the east side of Dovekie Lawn with the north building line of Units 48-51 on the west side of Dovekie Lawn by using narrower lots or eliminating a unit; and
 - ii. Realign slightly Units 26-28, the stick of attached units adjoining the east side of Dovekie Lawn, so that the unit facades are parallel to the corresponding units on the east side of the Lawn (Units 48-51).
- c. Block V and Block Y:
 - i. Provide a curved seat wall for the Community Green, extending the wall from the Stilt Street setback to the Fulmer Avenue setback, breaking the wall between Unit 46 and Unit 47; provide a continuation of the curved seat wall on the south side of Fulmer Street, ending at the sidewalk that provides access to Community Center Parking; the seat wall should be constructed of masonry, with stone facing and limestone cap with a shape and slope suitable for sitting;
 - ii. Provide a more uniform building line along the west side of Broadway: Shift Units 19, 20, 21, 22 and 23 westward by at least five feet; and
 - iii. Provide porch architecture for Unit 24, by aligning the porch deck and roofline with the Broadway building line established by Units 25-28.
- d. Block W
 - i. Lots 29-31: Delete the redundant sidewalk in front of Lots 29-31; and

- ii. Lot 31: stagger the building line by shifting Unit 31 southward toward Godwit Street by the length of the porch on the proposed adjacent housing unit.
- e. Block X
Lots 55: Flip the unit to align the garage with that of Unit 62.
- f. Block Y
- i. Revise the design for the Fulmer Steps to provide a seating area at the highest elevation landing (shown at 967 on the plan); retaining walls must be field stone landscape walls;
 - ii. Tie-in the retaining wall along the rear of Lots 41-44 to the foundation side elevation wall of Lot 40;
 - iii. All rear yard fencing used for Lots 24-34, 41-44, 45-49, 50-52, 59-67, 58-77 must be constructed of uniform materials featuring 24"-30" field stone base;
 - iv. The side elevation walls of Lots 37, 40, 53, 56 shall be constructed using stone materials; in the case of Lot 37, 40, the retaining walls adjoining must be tied-into the structure's foundation; fencing and screening of driveways for Lots 37,40, 53, 56 must be constructed using landscape fieldstone;
 - v. Lot 59: Shift housing unit northward: flip the housing unit or provide an entry drive shared with Lots 56-58;
 - vi. Lot 77: Provide a custom unit with a retaining wall integrated into the units foundation wall. Provide enhanced landscaping between terraced retaining walls. This lot shall be designated as a high visibility lot. The design of the unit, foundation wall and retaining wall shall be reviewed by the Town Architect for compatibility with the approved design guidelines; and
 - vii. Delete Lot 24.
- g. Block AI
- i. Lot 1: Use alternate unit type, matching unit on Lot 1 with Unit on Lot 9 (detached garage); Shift garage on Lot 9 southward and westward; to create staggered building line on Fulmer Avenue frontage (Lots 12, 11, 10, 9, 1); and
 - ii. Lot 31: Flip the housing unit on Lot 31 to allow the garage to provide a staggered building line between Lot 30 and Lot 31.
- h. Block AK
- i. HOA Parcel fronting Lots 36-40, along Broadway street frontage: As proposed for Cabin Branch Neighborhood monument signage: provide a series of lighted, planted terraces, stone-faced to coordinate with the Seneca Ellipse; provide details for signage; and
 - ii. Lot 18, Lot 19: Delete the optional house addition shown for each lot on the plans; alternatively, provide a small HOA parcel with a bike rack to serve the cyclists using the Broadway bike path; provide benches; alternatively, provide transportation kiosk, neighborhood information kiosk, or a bus shelter, subject to MCDOT review and approval.

i. Block AL

Provide the following revisions to the design of retaining walls that adjoin the Seneca Ellipse and Little Seneca Parkway street frontage:

- i. Tie the retaining wall into the building foundation of Unit 120, and extend the wall to the rear building line of the multi-family Unit 51/52; utilize the wall as the screen wall and reinforced vehicular barrier for Private Street AL3;
- ii. Tie the retaining wall into the building foundation of Unit 112, and extend the wall to the rear building line of the multi-family Unit 103/104; utilize the wall as the screen wall and reinforced vehicular barrier for Private Street AL1; and
- iii. Match the materials to the stone terrace walls that support the Seneca Ellipse.

j. Block AM:

- i. Provide a uniform building line along the east side of Broadway by using the same building type, preferably attached multi-family units; align buildings perpendicular to the street frontage;
- ii. Provide a finished building sidewall using finished masonry and fenestration on the southern-most unit (Unit 1) facing the Cabin Branch entry and for the east end unit facing Little Seneca Parkway;
- iii. Locate the entry drive for Block AM south of the southern-most unit; provide a built masonry terrace for decorative plantings to provide a finished transition to the storm water facility sited along the road frontage; and
- iv. Provide uniform screen wall along between Units 8/9 and 10/11 to screen view of the internal drive aisle from Little Seneca Parkway; match the stone facing on the retaining walls on the north side of the Parkway.

23. High Visibility Lots Treatment

Provide enhanced architectural treatments such as stone/brick walls, seat walls, architectural fences, and landscaping to all lots proposed for treatment by the Town Architect with particular treatment for those lots listed below. All lot treatments are subject to review and approval of Staff prior to certified Site Plan.

- a. Block S: Lot 64, Lot 55: Provide an architectural screen for Lot 64 driveway using materials compatible with unit architecture;
- b. Block V, Lot 10, 12: Use stone materials for the screen wall(s) visible from the Community Center and the Pool areas;
- c. Block V, Lot 14, 28: Use a stone screen wall (matching the Community Center seat wall) to screen the parking alley south of the Community Center and the rear yards of Lot 38 and 14; the wall may be placed along the sidewalk connecting Broadway with Fulmer Avenue;
- d. Block V: Lot 24: Use porch architecture to mediate the residual lot angle at Broadway and Harrier Way; extend the porch materials to provide fencing for the driveway between Lot 24 and Lot 25;

- e. Block AL: Provide screen walls for alleys AL1 and AL3 constructed with a stone base contiguous with the retaining wall tie-ins; and
- f. Block AM: Lots 1-10, Lot 11, Lot 22-23; Use field stone facing or similar architectural treatment for the end units; use stone fencing for the screen wall facing Little Seneca Parkway.

Landscape and Lighting Design

24. General Landscape Design

- a. Provide street tree planting at a minimum 40 feet on center and a maximum spacing of 50 feet on center, except where physical site limitations do not allow for the spacing. Any deviation from standards must be approved by MCDOT; and
- b. Provide planting plan for typical multi-family units specific to that unit type.

25. Block Specific Landscape Design

- a. Block S:
Provide landscape screening within Parcel G to screen Parcel F driveway from the view on Broadway.
- b. Block T
 - i. Provide brick banding along the curved sidewalk that traverses Dovekie Lawn;
 - ii. Provide contrasting ornamental trees to line the outside edge of the curved sidewalk traversing Dovekie Lawn, breaking the line where Parcel B adjoins the sidewalk; provide a cluster of three ornamental trees within Parcel B;
 - iii. Align the sidewalk between Units 56-57 to continue directly from the curved sidewalk extending from Dovekie Lawn, continuing the brick banding up to the Broadway sidewalk;
 - iv. Provide landscaping within the wedge-shaped space between Units 56-57 to accentuate the continuation of the walk; and
 - v. Provide two backed benches.
- c. Block W
Provide small ornamental trees within the HOA parcel adjoining Lot 31 at the Godwit Street frontage.
- d. Block X
Provide ornamental trees to match 14(d)(i) in the following locations: on the north side of Lot 61 near the garage; on the west side of Lot 62; on the west side of Lot 55.
- e. Block V and Y
 - i. Delete the four Zelkova proposed for the interior of the Community Green; Replace with a cluster of ornamental trees or smaller shade tree such as River Birch, Linden near the truncation line; provide a matching cluster of trees at the Community Center entrance and within the parking island to unify the two spaces;

- ii. The sidewalks within the Community Green and the Community Center should consist of special paving, such as field stone compatible with the seat wall (see Condition 11(c)); the special paving treatment should be provided for pedestrian traffic areas within the Community Center entrance, parking area and the sidewalk that adjoins the Community Center traversing the block between Fulmer Street and Broadway;
 - iii. Provide a decorative lighting fixture within the Community Green and at the end of the seat wall outside the Community Center egress point;
 - iv. Provide two clusters of contrasting ornamental trees at the northwest and northeast edges of the pool area;
 - v. Provide a landscape plan for the eastern "point" of the open space slope between Stilt Street and Fulmer Street: an architectural focal point with tightly spaced arc ensemble of varied coniferous with deciduous trees to screen the back of Lots 44, 45-48, 50; and
 - vi. Revise the street tree spacing on Fulmer Avenue to provide view of the stream buffer at Lot 76-77 (see above: Condition 11(g)(vii)).
- f. Block AH
- i. Fulmer Open Play Area: remove two street trees in front of Lot 23 at the intersection of Dovekie and Moorhen; replace with a cluster of contrasting ornamental trees planted in the HOA space fronting Lot 23; and
 - ii. Replace the proposed Zelkova within the Open Play Area with two clusters of contrasting ornamental trees at the two west points of the triangle; provide a bench;
- g. Block AK: Moorhen Mews
- i. Provide two decorative lighting fixtures for each of the three Moorhen Mews areas; provide backed benches for the facing seating areas within the Mews interiors; and
 - ii. Provide a landscaping plan for Parcel D; include a cluster of three ornamental, subject to utility allowance.
- h. Block AL: The Seneca Ellipse:
- i. Locate the multi-age play equipment with upper quadrants of the Ellipse; demarcate the fall zone by creating an "ellipse within the Ellipse" using landscaping and ground materials; provide equipment as conditioned below (Condition 15);
 - ii. Provide a separate Open Play Area, also elliptical in shape, marked by distinctive landscaping that includes shade trees and seasonal plantings;
 - iii. Provide groupings of shade trees with contrasting ornamental trees at each of the four squinches (corners) on the outside of the Ellipse; break the line of shade trees surrounding the Ellipse at each corner, allowing views of the contrasting ornamental trees;
 - iv. Provide ground cover for the slope between Little Seneca Parkway and the first retaining wall and provide a ball stop at the north edge of the sidewalk at the property line on the Seneca Parkway street frontage;

- v. Provide special paving for the sidewalk that defines the Ellipse; provide stone faced retaining walls, with a slope and cap suitable for sitting; and
- vi. Provide special paving for the Fire Access Drive with pedestrian pathways laid in special paving compatible with the Ellipse sidewalk.
- i. Block AM and AK
 - i. Provide for Parcel B, a comprehensive landscape plan along the entire east side of Broadway from Old West Baltimore Road to Little Seneca Parkway;
 - ii. Provide at the RMX1/TDR and the R-200 Zoning Line: screening for the existing(R-200) adjoining residential lots; trees should be a mixture of at least two coniferous species and one deciduous species; and
 - iii. Provide at the perimeter of Pond 2, a comprehensive landscape plan for:
 - a) The entire west Broadway frontage from Old West Baltimore Road to and including the south frontage of Fulmer Avenue; provide plantings for the retaining wall terraces containing Pond 2; and
 - b) The West Old Baltimore Road frontage.

26. Lighting and Power

- a. Provide an comprehensive lighting plan for the entire Site Plan area showing the location and type of each fixture and referencing the lighting schedule by symbols shown on the Plan.
- b. Provide a lighting plan for each height) for each of the public open spaces and for the two trailheads; use decorative lighting fixtures at a maximum 14-foot mounted height. (See landscape comments for specific locations.) Identify lighting fixture location and type by symbols on the landscape plans keyed to the lighting schedule.
 - i. Provide decorative lighting fixtures with photometric lighting levels for each of the public open space areas: Dovekie Lawn, Seneca Ellipse, the Community Green, Moorhen Mews, Fulmer Street Steps (green and path landings);
 - ii. Provide power supply for Dovekie Lawn and the Seneca Ellipse to serve community events;
 - iii. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties; and
 - iv. Illumination levels shall not exceed 0.5 foot-candles (fc) at any property line abutting county roads or adjacent residential properties.
- c. Provide a comprehensive lighting schedule showing: each fixture type, specifications and details, mounted height, wattage, cut-off shield housing; all light fixtures shall be full cut-off fixtures.
- d. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.

- e. Provide Illumination levels that do not exceed 0.5 foot-candles (fc) at any property line abutting MD Route 121 and those abutting Old West Baltimore Road, and offsite residential properties.
- f. Identify lighting proposed for the public right-of-way; reference light fixtures by type on the landscape plans.

Recreation Facilities, Pedestrian and Bicycle Amenities

27. In compliance with M-NCPPC Recreation Guidelines, Applicant must demonstrate conformance for each of the following recreational facility with respect to size, grading, setbacks, location and targeted age group:

- a. Provide the following facilities:
 - i. Dovekie Lawn Tot Lot and Open Play Area;
 - ii. Multi-Age Play Set at Seneca Ellipse;
 - iii. Fulmer Green Open Play Area;
 - iv. Seneca Ellipse Multi-Age Play and Open Play Area;
 - v. Community Green Open Lawn;
 - vi. Sitting-Picnic Areas (15);
 - vii. Pedestrian System;
 - viii. Bicycle System and Parking;
 - ix. Natural Areas;
 - x. Nature Trails; and
 - xi. The Community Center: Swimming Pools, Wading Pools, Indoor Community Space.

- b. Bicycle Facilities:

Provide an 8-foot wide off-street asphalt bicycle path, within the public right-of-way as shown on the Toll 1 and Toll 2 Green space/Overall Plan Exhibit, in the following locations:

- i. West side of Fulmer Avenue, between Stilt Street at the north and Broadway at the south;
- ii. West side of Broadway, from the north side of the Little Seneca Parkway round-about, along the west side of Fulmer Avenue, extending to West Old Baltimore Road;
- iii. North side of West Old Baltimore Road between Broadway and Clarksburg Road (MD121), a portion of which is contained within the Toll-2 street frontage;
- iv. North side of Little Seneca Parkway;
- v. East side of Cabin Branch Avenue; and
- vi. Provide a Public Improvements Easement (PIE) for all paths not located with the public right-of-way.

- c. Provide bicycle racks within each of the areas of public open space: Seneca Ellipse, Dovekie Lawn, Moorhen Mews, the Community Green, the Community Center, Fulmer Avenue Steps and at each trailhead. Bicycle parking must be provided at a bicycle-auto ratio of 1:20 based on the number of on-street parking spaces and the surface lot spaces that serve the Local Park.
- d. Provide a bike path signage plan subject to DOT review and approval.

Infrastructure Site Plan

28. Infrastructure Site Plan Revisions

Amendments to the Infrastructure Site Plan may be approved by the Planning Board as part of individual site plans in Cabin Branch. Such amendments will ultimately be reconciled into the final Infrastructure Site Plan. The following conditions are outside the scope of this Site Plan, but are intended to revise the Infrastructure Site Plan using this Site Plan as the approving vehicle:

- a. Road Improvements to West Old Baltimore Road, Clarksburg Road (MD121): The Infrastructure Site Plan shall be revised to address road improvements and impacts of West Old Baltimore Road (A-7), Clarksburg Road (MD 121) on environmental aspects, storm water management, adjoining residential properties, and access to Black Hills Regional Park. The Infrastructure Plan must reference current MD State Highway Administration design and construction drawings for MD 121 and its interchange, and all road improvements associated with the Cabin Branch Neighborhood.
- b. Green Area: Prior to the next site plan that includes MXPZ zoned property, the Infrastructure Site Plan shall be revised to include *Cabin Branch Neighborhood Development Green Area Reconciliation* for Planning Board review, performing a comprehensive survey and audit of all green area within the Cabin Branch tract.

BE IT FURTHER RESOLVED, that all site development elements as shown on Toll Phase 1 drawings stamped by the M-NCPPC on February 28, 2013, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the 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. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

Cabin Branch, in its entirety is comprised of approximately 535 acres, including the Subject Property. The LMA reclassified the eastern half, approximately 283.5 acres of the Cabin Branch tract, from the RE-1/TDR, RMX-1/TDR-3 and I-3 Zones to the MXPB Zone. The LMA only included a portion of the Subject Property. Of the 80.73 acres, 12.88 acres are in the MXPB zone, and 67.85 acres are in the RMX-1/TDR-3 zone. Although the LMA only applies to the MXPB zoned portion of the Subject Property, Cabin Branch was comprehensively planned as a single community, and the Development Plan, including the Land Use Plan and other graphical exhibits, showed the entire Cabin Branch tract. Therefore, the Site Plan conforms to all non-illustrative elements and binding elements of the Development Plan approved by the District Council to the extent that it applies to the Subject Property. The discussion below summarizes the binding elements and indicates how the MXPB portion of the Site Plan conforms to all nine binding elements, while the RMX-1/TDR-3 zoned portion conforms to binding elements 1 and 4.

Binding element 1 of the Development Plan, applicable to the entire Site Plan refers to the total number of TDRs and MPDUs required for the entire 535-acre Cabin Branch.

The TDRs are allocated as a proportion of the dwelling units provided by each developer to the Cabin Branch development as a whole. Therefore, Toll Brothers is required to provide 26.2% of the TDRs in Cabin Branch. The MPDUs are based on the number of dwelling units within the two phases of the Toll site plans.

The 635 TDRs initially required for Cabin Branch assumed a maximum density, mix and number of MPDUs for the RMX-1/TDR-3 portion of the property and the total number of units. Because the TDRs are proportional to the number of MPDUs provided, they have been recalculated to account for an increase in MPDUs with Preliminary Plan 12003110B. Thus, when Cabin Branch was approved for 1,886 residential units, and 500 senior units, including an increase to 236 MPDUs, the required TDRs was proportionately adjusted to 609. The number of TDRs provided in this Site Plan is 161, which conforms to the calculations approved with the Development Plan and Preliminary Plan 12003110B.

The Toll Brothers portion of Cabin Branch is divided into two site plans. Collectively, the two site plans will provide 12.5% MPDUs of the total number of units (76 MPDUs out of 604 total dwelling units). This Site Plan includes approximately 15%, or 66 of the 76 MPDUs on-site, with the remaining 10 MPDUs to be provided by Site Plan No. 820100030, Toll 2, Cabin Branch. This will hasten the availability and occupancy of affordable units. DHCA supported the location, distribution and phasing of MPDUs as approved for the two Toll phases of development.

Binding element 2 of the Development Plan, applicable to the MXPDP portion of the Site Plan refers to the off-site amenities and features. *By the time of issuance of building permits for the 100th dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan for an elementary school, a local park and a recreation facility, the school site will be rough-graded at a time determined at the earliest Preliminary Plan of subdivision application for the Cabin Branch Community, subject to Montgomery County Public School approval.*

As conditioned, the Site Plan conforms to the binding elements for off-site amenities and features. Thresholds for amenities and public facilities are as follows:

- By 100th building permit: School site must be dedicated.
- By 440th building permit: School site and Local Park must be rough graded according to standards of MCPS and the Parks Department, respectively; Community Entrance features must be constructed.
- By 650th building permit: Community center and pool building permit obtained.
- Local Park must be constructed by the earlier of i) the 650th permit, or ii) with construction of the adjacent homes.

Binding element 3 of the Development Plan, applicable to the MXPDP portion of the Site Plan refers to the trip reduction measures. *The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals established at preliminary plan.*

This Site Plan fulfills the transportation management goals iterated in the Preliminary Plan approved for Cabin Branch. Specific street design, addressed in this Site Plan established the public parking supply, including the Local Park surface lot (60 spaces), and on-street parking (MXPDP: 92 spaces, RMX: 233 spaces) as approved by the DFRS.

Binding element 4 of the Development Plan, applicable the entire Site Plan refers to the street network and states, in part: *A network of public streets*

shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity.

The Applicant has provided a network of public streets in a grid pattern that defines scaled blocks typical of neo-traditional style of development. The street network is patterned to negotiate significant grades, accommodate underground infrastructure, and create a cohesive relationship with public and private uses in the Cabin Branch neighborhood. The public streets are consistent with the Master Plan and hierarchy defined in the Development Plan.

Binding element 5 of the Development Plan, applicable to the MXPDP portion of the Site Plan refers to the Area D street network. *Area D will be designed with a public or private street connecting First Avenue (Route A-304) in a grid pattern with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear.*

Area D comprises the land located between Little Seneca Parkway (A-302, formerly Newcut Road), Broadway (A-304, formerly Second Avenue) and West Old Baltimore Road, at the southern boundary of the Cabin Branch tract. This Site Plan includes a small fragment within Area D. Zoned MXPDP, the parcel will be bounded on its north by Little Seneca Parkway, and on the west by Broadway, at its curving entry point. Although the Development Plan envisions retail for the entire Area D, the Site Plan is approved for attached family housing and multi-family units to anchor this critical corner. The use of taller units (2-over-2's) imparts contextual cohesion between the blocks, north and south, across Little Seneca Parkway while articulating the contrast in character between Broadway's west side that features detached single family homes and the boulevard's east side that encompasses the largest concentration of attached and multi-family homes.

Binding element 6 of the Development Plan, applicable to the MXPDP portion of the Site Plan refers to street character. *All streets will adhere to a pedestrian-friendly design to the extent practical, which places particular emphasis on a building line to frame the street, with parking in the rear. The entire MXPDP area will conform to a Cabin Branch Community Streetscape Plan that is designed to integrate the entire community.*

The Road Hierarchy Plan approved with the Preliminary Plan, established the framework, not only for transportation functions, but more importantly, for the neighborhood character and set the block pattern. It was critical to the development of the figure ground, scale and texture of individual blocks. The resulting linear routes, both the dominant longitudinals and their subordinate

transverses, provide appropriately scaled pedestrian experiences that connect directly to the numerous public amenities located throughout the site.

Binding element 7 of the Development Plan, applicable to the MXPB portion of the Site Plan refers to special roads. *A-307 will be designed as an open section arterial road with wide green edges to provide a gateway to Black Hill Regional Park. The rural character of West Old Baltimore Road will be maintained by minimizing environmental impacts and providing generous green edges.*

A-307 has been designed as an open-section 80-foot-wide arterial road with green edges that line up with the entrance to Black Hill Regional Park. West Old Baltimore Road is proposed as a two-lane arterial roadway with changes to vertical and horizontal alignment. The Applicant is required to submit a limited amendment and alternatives analysis to address impacts to adjacent properties including alignment, necessary easements, well and septic, clearing and grading, park boundaries, sight distance and a no-build option.

Binding element 8 of the Development Plan, applicable to the MXPB portion of the Site Plan refers to service and public uses. *Service/Public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care or continuing care.*

Preliminary Plan No. 12003110B included approval for up to 500 dwelling units for senior housing. This Site Plan is not providing any of those units.

Binding element 9 of the Development Plan, applicable to the MXPB portion of the Site Plan refers to on-street parking. *Applicants will include on-street parking on streets adjacent to retail facilities.*

Specific street design, addressed in this Site Plan established on-street parking (MXPB: 92 spaces, RMX: 233 spaces) in portions of the residential development. The retail section of Cabin Branch (Area A on the Development Plan) is not included in this Site Plan.

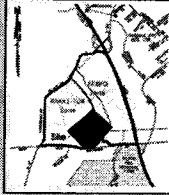
2. *The Site Plan meets all of the requirements of the zone in which it is located.*

With regard to the RMX-1/TDR-3 zoned land within this Site Plan, it meets all the requirements of the RMX-1/TDR-3 zone under the standard method of development. According to Sec. 59-C-10.2.1, standard method projects in the RMX-1/TDR-3 zones "must occur in accordance with the development methods, standards and special regulations of the R-200/TDR zone, as contained in 59-C-1.331, 59-C-1.332 and 59-C-1.39." The Site Plan uses the development

standards under the latter section (59-C-1.39, Special regulations for optional method development using TDRs), which enable densities consistent with the Master Plan recommendations for this site. Although the Master Plan recommends a range of 5 to 7 dwelling units per acre (p.65), the Site Plan is approved for an average of 3.63 dwelling units per acre, which creates a compatible transition between the highest densities and most intense uses within Cabin Branch located along the I-270 corridor, and the lower densities across MD 121. The Site Plan meets the minimum setbacks, building restriction lines, and maximum building heights as permitted by the zone. The Site Plan exceeds the 35% green space required in the RMX-1/TDR-3 zone.

With regard to the MXPB zoned land within this Site Plan, as conditioned it meets all of the requirements of the MXPB zone with regard to minimum setbacks, building restriction lines, maximum building heights and coverage requirements, residential density and green area requirements. The green space required of the 12.88 acres zoned MXPB, at 50% is 6.45 acres. The Site Plan only provides 2.48 acres of green space, leaving a 3.97 acre deficit. Although the minimum green space is exceeded in the RMX1-TDR-3 zoned portion, the excess green space cannot be credited to the MXPB portion of the site. As conditioned, Applicant must provide a binding commitment from all the owners of the MXPB zoned property in Cabin Branch that the 3.97 acre shortage of green area required under this Site Plan will be set aside to provide the green space allocation required (over and above any acreage set aside for other, previously approved site plans in Cabin Branch).

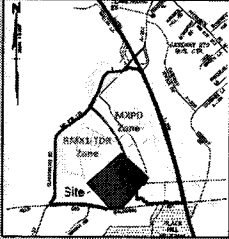
The Development Plan and Preliminary Plan No. 12003110B established limits on certain development standards for Cabin Branch. These include density, MPDUs, TDRs, retail, employment, and green area. The Site Plan meets these development standards as part of a cumulative total for Cabin Branch. In summary, the Site Plan, as conditioned, meets the requirements of the MXPB and RMX-1/TDR Zones as demonstrated in the project Data Tables shown below.

SITE PLAN: TOLL BROTHERS PHASE 1 CABIN BRANCH NEIGHBORHOOD APPLICANT: TOLL BROTHERS, INC.					
SITE PLAN NUMBER: 820070140 RESIDENTIAL DEVELOPMENT: DETACHED & ATTACHED ZONE: RMX1-TDR 3 MASTER PLAN: CLARKSBURG		GOVERNING STANDARD		REQUIRED	APPROVED AND BINDING ON THE APPLICANT
RMX-1 /TDR-3 ZONE	DEVELOPMENT DATA STANDARD METHOD	RMX1/TDR-3 STANDARD	PRELIMINARY PLAN (1)	TOLL - PHASE 1	
§58-C-1.39	LOT AND TRACT AREA				
	GROSS TRACT AREA	251.8 ac.		67.85 ac.	
	NET AREA FOR RESIDENTIAL USE -ac.			26.24 ac.	
	NET AREA FOR RESIDENTIAL USE -(SF)			(1,143,014 SF)	
	DEDICATION - PUBLIC ROADS- ac.			11.04 ac.	
	DEDICATION - PRIVATE ROADS- ac.			2.09 ac.	
	DEDICATION - PUBLIC USE - ac. (HOA & PARKS)			28.48 ac.	
§58-C-1.332 & §58-C-1.395	RESIDENTIAL DENSITY (1)				
	NUMBER OF DWELLING DUS FOR SITE > 30 ac.		3.22 DU/ac.	3.66± DU/ac..	
	DWELLING DUS THIS APPLICATION			249 DUS	
	DWELLING DUS THIS APPLICATION AS % OF TOTAL 1,886			13.0% ± (246 DUS/1886 DUS)	
	ONE-FAMILY DETACHED (SF)			240 DUS	
	ONE-FAMILY DETACHED DU/ac..			3.54 DU/ac. ± (240 DUS/67.85 ac.)	
	ONE-FAMILY DETACHED % OF ALL DUS THIS APPLICATION			97.6% ± (240 DUS/247 DUs)	
	ONE-FAMILY ATTACHED (TH)			6 DUS	
	ONE-FAMILY ATTACHED DU/ac..			0.09 DU/ac. ± (6 DUS/67.85 ac.)	
	ONE-FAMILY ATTACHED % OF ALL DUS THIS APPLICATION			2.4% ± (6 DUS/246 DUs)	

TOLL PHASE 1 820070140		REQUIRED	APPROVED AND BINDING ON THE APPLICANT
§59-C-1.394(b) SETBACKS			
1-FAMILY DETACHED & ATTACHED (TH)			
FRONT	min.	10'	10'
REAR	min.	0'	0'
SIDE (STREET SIDE)	min.	10'	10'
SIDE (INTERIOR LOT)	min.	3'	3'
SIDE (ALLEY)	min.	3'	3'
R/W TRUNCATION	min.	0'	0'
ONE-FAMILY ATTACHED (TH)			
FRONT	min.	10'	10'
REAR	min.	0'	0'
SIDE (STREET SIDE)	min.	10'	10'
SIDE (INTERIOR LOT)	min.	3'	3'
SIDE (ALLEY)	min.	3'	3'
R/W TRUNCATION	min.	0'	0'
§59-C-1.395 BUILDING HEIGHT (1) (3)			
MAIN BUILDING - FT	MAX.	N/A	50 FT MAX. (3)
MAIN BUILDING - STORIES	MAX.	4 STORIES MAX. †	4 STORIES MAX. (3)

§59-E OFF-STREET PARKING PER §59-E			
§59-E-2.2	SIZE	min.	8.5' x 18'
§59-E-3.7	PARKING - ONE-FAMILY DETACHED PER	min.	2 /DU= 480
	PARKING - ONE-FAMILY ATTACHED PER	min.	2 /DU= 12
	GENERAL PARKING		
	PARKING - OFF STREET		N/A
	PARKING - ON STREET	SEE FIRE & RESCUE PLAN (5)	N/A
	BIKE PARKING		N/A
	COMMUNITY CENTER		
	CC PARKING OFF STREET		27 SPACES± (8)
	CC Handicapped		2 SPACES
	CC PARKING - ON STREET		472 SPACES± (8)
	CC PARKING - BIKES		N/A
	PUBLIC USE AND AMENITIES		
	PUBLIC USE SPACE/AMENITIES - HOA CONTROLLED		Not provided
	PUBLIC USE - STREAM VALLEY PARK DEDICATION		Not provided
	PUBLIC USE - MNCPPC		Not provided

(1) SECTION 59-C-10.2.1 STANDARD METHOD OF DEVELOPMENT REGULATIONS. RMX1/TDU ZONE: STANDARD METHOD PROJECTS IN THESE ZONES MUST OCCUR IN ACCORDANCE WITH THE DEVELOPMENT METHODS, STANDARDS, AND SPECIAL REGULATIONS OF THE R-200/TDU ZONE AS CONTAINED IN 59-C-1.331, 59-C-1.332 & 59-C-1.39. THE MAXIMUM DENSITY WITH THE USE OF TDUS IS 11 DWELLING DUS PER ACRE. THE LAND USES ALLOWED ARE THOSE USES ALLOWED IN THE R-200/TDU ZONE. DEVELOPMENT UNDER THIS METHOD MUST COMPLY WITH DENSITY, NUMERICAL LIMITATIONS, AND OTHER GUIDELINES CONTAINED IN THE APPLICABLE MASTER OR SECTOR PLAN APPROVED BY THE DISTRICT COUNCIL. PER APPROVED PRELIMINARY PLAN 12003110B AND SUBJECT TO CHANGE PER CONDITION #21 WHICH STATES "FINAL APPROVAL OF THE NUMBER AND LOCATIONS OF THE BUILDINGS, DWELLING DUS, ON-SITE PARKING, SITE CIRCULATION, SIDEWALKS AND BIKE PATHS WILL BE DETERMINED AT SITE PLAN."
(2) NA
(3) BUILDING HEIGHTS AS DEFINED BY THE ZONING ORDINANCE (SEC. 59-A-2.1) WILL BE DETERMINED AT TIME OF BUILDING PERMIT. FINAL BUILDING HEIGHTS WILL CONFORM TO THE REQUIREMENTS SET FORTH IN THE PRELIMINARY AND DEVELOPMENT PLANS, AND WILL NOT BE HIGHER THAN THE MAXIMUM HEIGHT NOTED ABOVE.
(4) OFF STREET PARKING= 2- 2 CAR GARAGE TOWNHOUSES= 4 GARAGE SPACES + 4 TANDEM SPACES. 4- 1 CAR GARAGE TOWNHOUSES= 4 GARAGE SPACES + 4 TANDEM SPACES. 247 ONE-FAMILY DETACHED DUS= 494 GARAGE SPACES + 84 TANDEM SPACES FOR THE FRONT LOADED DUS.
(5) PUBLIC ON-STREET PARKING IS BEING PROVIDED IN ADDITION TO THE PARKING THAT IS REQUIRED BY SECTION 59-E OF THE ZONING ORDINANCE. SEE THE FIRE AND RESCUE PLAN FOR TOTAL ON-STREET PARKING SPACES PROVIDED.
(6) NA
(7) SEE OVERALL GREENSPACE EXHIBIT FOR CALCULATIONS THAT SHOW HOW GREENSPACE REQUIREMENTS ARE MET IN EACH ZONE FOR OVERALL 535.04 ACRE SITE.
(8) The full design of the Community Center and Pool, the major public open spaces and public parking will be reviewed in an additional Site Plan application.
NUMBER OR PERCENT FOR TOTAL 535.04 ACRE SITE

MXPD ZONE Development Standards Toll Phase 1 Site Plan 820070140					
GOVERNING STANDARD			REQUIRED		APPROVED AND BINDING ON THE APPLICANT
MXPD ZONE	DEVELOPMENT DATA STANDARD METHOD		MXPD STD.	PRELIM. PLAN 1	TOLL - PHASE 1
§59-C-7.51	LOT AND TRACT AREA	min.			
	GROSS TRACT AREA		20 ac.		12.88 ac.
	NET AREA FOR RESIDENTIAL USE -ac.			N/A	5.73 ac.
	NET AREA FOR RESIDENTIAL USE -(SF)			N/A	(249,599 SF)
	DEDICATION - PUBLIC ROADS- ac.			N/A	3.59 ac.
	DEDICATION - PRIVATE ROADS- ac.			N/A	1.06 ac.
	DEDICATION - PUBLIC HOA AREAS - ac.			N/A	2.5 ac.
	NET AREA FOR COMMERCIAL USE			N/A	N/A
§59-C-7.53	RESIDENTIAL DENSITY				
§59-C-7.5(a)(4)	RESIDENTIAL EXCLUSIVE AREA LIMITATIONS	max.	40% TRACT	N/A	N/A
§59-C-7.53(a)	RESIDENTIAL DENSITY IN RESIDENTIAL AREA	max.	44 DU/ac.	10.5 DU/ac. (1)	14.67± DU/ac.
TOTAL NUMBER DWELLING DU THIS APPLICATION					190 DU
	DWELLING DU THIS APPLICATION AS % OF TOTAL 1,886			N/A	10.1% ± (190 DU/1886 DU)
	ONE-FAMILY ATTACHED (TH) 33%				
ONE-FAMILY ATTACHED (TH) THIS APPLICATION					62 DU
	ONE-FAMILY ATTACHED DU/ac.			N/A	4.80 DU/ac. ± (62 DU/12.9 ac.)
	ONE-FAMILY ATTACHED % OF ALL DU THIS APPLICATION			N/A	3.3% ± (62 DU/1886 DU)
	MULTI-FAMILY (MF) 67%				
MULTI-FAMILY UNITS THIS APPLICATION					128 DU
	MULTI-FAMILY ATTACHED DU/ac.			N/A	9.92 DU/ac. ± (128 DU/12.9 ac.)
	ONE-FAMILY ATTACHED % OF ALL DU THIS APPLICATION			N/A	6.79% ± (128 DU/1886 DU)

TOLL PHASE 1 810070140 MXPD ZONE			REQUIRED	APPROVED AND BINDING ON THE APPLICANT
§59-C-7.55	SETBACKS	min.		
	FROM RESIDENTIAL ZONING OTHER THAN ONE-FAMILY DETACHED BUILDINGS (2)	min.	100 FEET	N/A
	ONE-FAMILY ATTACHED (TH)			
	FRONT	min.		10'
	REAR	min.		0'
	SIDE (STREET SIDE)	min.		10'
	SIDE (INTERIOR LOT)	min.		3'
	SIDE (ALLEY)	min.		3'
	R/W TRUNCATION	min.		0'
	MULTI-FAMILY ATTACHED (MF)			
	FRONT	min.		10'
	REAR	min.		0'
	SIDE (STREET SIDE)	min.		10'
	SIDE (INTERIOR LOT)	min.		3'
	SIDE (ALLEY)	min.		3'
	R/W TRUNCATION	min.		0'
§59-C-7.55(c)	BUILDING HEIGHT (3)	max.		
	HEIGHT TO SETBACK RATIO (8)	min.	1.00 : 1.00	N/A
	RESIDENTIAL STRUCTURES- FEET	max.		N/A
	RESIDENTIAL STRUCTURES- STORIES	max.		4 STORIES max
§59-C-7.58	PARKING OFF-STREET/ON-STREET §59-E (6)			
§59-E-2.2	SIZE	min.	8.5' x 18'	8.5' x 18'
§59-E-3.7	PARKING - ONE-FAMILY ATTACHED PER DU	min.	2 /DU= 124	172 SPACES ± (4)
	PARKING - MULTI-FAMILY ATTACHED PER DU	min.	2 /DU= 296	256 SPACES ± (4)
	PARKING - OFF STREET - TOTAL TOLL I			N/A
	PARKING - ON STREET [SEE MCFRS PLAN (5)]			N/A
	PARKING - BIKES			N/A
§59-C-7.57	PUBLIC FACILITIES & UTILITIES FOR THIS SITE PLAN			
	PUBLIC USE SPACE/AMENITIES - HOA CONTROLLED			N/A
	PUBLIC USE - STREAM VALLEY PARK DEDICATION			2.5 ac. ±
	PUBLIC USE - MNCPPC			N/A

(1) DENSITY MUST NOT EXCEED MASTER PLAN RECOMMENDATIONS AS DELINEATED IN THE DEVELOPMENT PLAN. PER APPROVED PRELIMINARY PLAN 12003110B AND SUBJECT TO CHANGE PER CONDITION #21 WHICH STATES "FINAL APPROVAL OF THE NUMBER AND LOCATIONS OF THE BUILDINGS, DWELLING DU, ON-SITE PARKING, SITE CIRCULATION, SIDEWALKS AND BIKE PATHS WILL BE DETERMINED AT SITE PLAN."
(2) PER SECTION 59-C-7.55 (A) "NO BUILDINGS OTHER THAN ONE-FAMILY DETACHED DWELLINGS SHALL BE CONSTRUCTED WITHIN 100 FEET OF ADJOINING PROPERTY THAT IS DEVELOPED WITH ONE-FAMILY DETACHED HOMES UNLESS THE DISTRICT COUNCIL FINDS THAT TOPOGRAPHICAL FEATURES PERMIT A LESSER SETBACK. IN ALL OTHER SITUATIONS, SETBACKS FROM ADJOINING PROPERTIES MAY BE LESS THAN 100 FEET, WITH THE MINIMUM SETBACK DETERMINED AS PART OF THE DEVELOPMENT PLAN REVIEW" AND (C) "NO BUILDING SHALL BE CONSTRUCTED TO A HEIGHT GREATER THAN ITS DISTANCE FROM ANY ADJOINING PROPERTY RECOMMENDED FOR RESIDENTIAL ZONING AND LAND USE ON THE APPLICABLE MASTER OR SECTOR PLAN, UNLESS THE DISTRICT COUNCIL FINDS THAT APPROVAL OF A WAIVER OF THIS REQUIREMENT WILL NOT ADVERSELY AFFECT ADJACENT PROPERTY."
(3) BUILDING HEIGHTS AS DEFINED BY THE ZONING ORDINANCE (SEC. 59-A-2.1) WILL BE DETERMINED AT TIME OF BUILDING PERMIT. FINAL BUILDING HEIGHTS WILL CONFORM TO THE REQUIREMENTS SET FORTH IN THE PRELIMINARY AND DEVELOPMENT PLANS, AND WILL NOT BE HIGHER THAN THE MAXIMUM HEIGHT NOTED ABOVE.
(4) OFF STREET PARKING= 24- 2 CAR GARAGE TOWNHOUSES= 48GARAGE SPACES + 48 TANDEM SPACES. 38- 1 CAR GARAGE TOWNHOUSES=38 GARAGE SPACES + 38 TANDEM SPACES. 256 MULTI-FAMILY ATTACHED DU=256 GARAGE AND TANDEM SPACES.
(5) PUBLIC ON-STREET PARKING IS BEING PROVIDED IN ADDITION TO THE PARKING THAT IS REQUIRED BY SECTION 59-E OF THE ZONING ORDINANCE. SEE THE FIRE AND RESCUE PLAN FOR TOTAL ON-STREET PARKING SPACES PROVIDED.

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 development form established by the Road Hierarchy Plan, under the Preliminary Plan, and refined through the Infrastructure Site Plan, defines the block pattern, and forms the basis of the neighborhood texture. This Site Plan features buildings that hold the street firmly, rigidly in some places, creating a defined building line that shapes the street view, organizes the public realm, and provides direct pedestrian and vehicular axes, north and south, east and west. The pattern is further refined by variation in lots sizes augmented by an ensemble of housing types offering a range of footprints, widths, and exterior architecture, elements critical to achieving spatial variety at the density level proposed. This is achieved at the cost of tightly spaced houses, and creates closely-knit blocks that rely critically on the public realm, the scale and furnishings of the streets, and more importantly, the proximity and quality of the public use space.

The Community Center, in function and location represents the heart of the Cabin Branch Community. The quality of the full design and detailing of the center, its pool, the fronting green space, and the adjoining housing is critical to its visual, functional, and social role within the neighborhood. The building location is adequate, safe, and efficient.

The Development Plan recommends the greatest density of housing within the MXPD zone portion of the site, specifying the blocks and location for multi-family units within Block AL. The extent of building coverage limits the opportunity to introduce a soft-angle change in grade. Hence, retaining walls become the means by which to achieve the desired density. The design of the Seneca Ellipse mediates a 30-foot rise from the Little Seneca Parkway street

frontage to its northern edge. The schematic design creates a series of curved, stepped terraces that work to scale the slope. The scheme allows a functionally flat middle ground at the ellipse center, culminating at paved terrace (also a fire access lane) that anchors the formal space as a visual and functional datum at the highest level grade. Although the Ellipse comprises the largest of the formal spaces, the relationship between the buildings and their open space is quite exacting – arising from the need to tie-in retaining walls to building foundations, providing code-compliant level interior alleys that are elevated above street grade, all while creating a unified street facade that integrates the two housing types and allows compatibility with the future development of Area D across Little Seneca Parkway, as required by the Development Plan conditions.

As conditioned, the Site Plan eliminates Lot 24 to allow reduction to the size and length of retaining walls, decrease disturbance to the natural environment and, most importantly to provide adequate pedestrian safety for the trailhead by eliminating pedestrian/vehicular conflict.

b. Open Spaces

The strength of the plan with respect to overall open space can be observed in the strategic, connective links between the wide, organic stream buffers and formal, tailored parks. Within the frame created by the two stream valleys, dense blocks of housing are relieved by a linked series of tailored spaces that organize the public realm, rationalize housing form, mediate the dialogue between housing and street, and create a navigable system for recreation. The strategic placement of the open spaces and amenities create public destinations, provide effective site navigation, and offer a large variety of activity, both active and passive. Large formal green spaces effectively shape the public realm within the dense housing blocks on the east side. The Dovekie Lawn, in particular, resolves the grid shift as an urban open space solution – mediating the residual “wedges” that arise from Broadway’s bend.

c. Landscaping and Lighting

The overall Streetscape Plan indicates the landscaping proposed for each of the public rights-of-way. The Site Plan includes typical foundation and tree plantings for individual lots. Landscaping and lighting consists of a varying treatment within the public rights-of-way, as outlined in the Cabin Branch Design Guidelines. As conditioned, power supplies, lighting and furnishings must be provided to support public events, such as concerts and films, for the major public spaces, Seneca Ellipse and Dovekie Lawn. High quality landscape and lighting design is critical to the daily lives of the future residents of Cabin Branch, especially so for the dense blocks of attached and multi-family housing. Schematic design addressed the shape, grading,

and large scale plantings for the public streets and amenity spaces, which is found to be adequate, safe and efficient.

d. Recreation Facilities

The recreation amenities, as conditioned, are adequate, safe and efficient. The open green space provides attractive and safe play areas that are well-proportioned and well-programmed to the density levels of the blocks in which they are contained. For example, Block AL provides the Ellipse to serve the high density of multi-family units that include MPDUs. This space will feature a large, gently graded open play area and a full playground of Kompan equipment that will serve large numbers of children in a range of ages. Likewise, the Dovekie Lawn provides a generous open play area for the attached housing that surrounds it. This area will also provide a tot lot of Kompan single element equipment, carefully sited to respect the function of the underground stormwater facility. The primary source of recreation amenity is comprised of the Community Center and pool. The Community Center will include a social pool, a lap pool, and a wading pool, along with indoor community space for a variety of activities. The Community Green facing the entrance provides open play areas. The plan features two trailed connections to the Stream Valley Park, abundant natural areas, nature trails, and bicycle and pedestrian systems.

e. Vehicular and Pedestrian Circulation

The primary access points to the site are from multiple locations along MD 121 (Clarksburg Road), West Old Baltimore Road and future Little Seneca Parkway (A-302). Roundabouts are provided throughout the development to provide interconnectivity while calming thru traffic. Two additional important access points to the site include Street G (Bryne Park Drive), which follows the eastern boundary of the school and Local Park site, and Street Z, which is the primary access to the school. Street Z also provides access to a future residential portion of the development that includes primarily one-family detached and attached housing. The overall Cabin Branch neighborhood will contain an eight-foot-wide shared use path on the external boundaries of the site, including the north side of West Old Baltimore Road, that connects and continues to the east side to connect with the bike paths for the Summerfield Crossing and Martens developments. The bike path on West Old Baltimore Road connects with the bike path on the east side of Clarksburg Road (MD 121). Internally, the 8-foot-wide bike path passes the school and Local Park and connects to the proposed bike path on Little Seneca Parkway. Five-foot-wide internal sidewalks will also be provided for all of the public streets to facilitate pedestrian circulation throughout the development.

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

The residential uses include single-family detached units, townhouses, and multiple-family (two-over-two) dwelling units. All units are located over 400 feet from West Old Baltimore Road to create a transition from lower density residential uses to the more intense development in the Cabin Branch neighborhood. Lower density single-family detached units along West Old Baltimore Road consistent with the Master Plan recommendations and preliminary plan approval. The combination of the type of unit (single-family detached), setback and building heights less than 50 feet along West Old Baltimore Road provide compatibility with the adjacent, existing and proposed low density development. The two-over-two buildings are located internal to the Site Plan adjacent to significant green space. The Community Center and pool are located near the center of the development to minimize walking distances from all areas of the development. A green space is also located adjacent to the Community Center and pool to provide compatibility. High visibility lots identified and coordinated with the Town Architect, will have special architectural treatment and materials at intersections. The fronts of the MPDUs will be designed and finished with architectural elements comparable to those found on other similar units.

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.*

Forest Conservation Plan

Applicable to entire Cabin Branch Development, including Toll 1, Cabin Branch

As with each individual site plan, consistent with conditions 1 and 14(c) of the Infrastructure Site Plan (82005015B), the final Forest Conservation Plan ("FCP") for the overall Cabin Branch development (and the Infrastructure Site Plan) is being amended through this Site Plan. The entire 535-acre Cabin Branch development has an FCP which was approved with the Infrastructure Site Plan. The FCP was designed to allow for the grading and installation of roads, utilities, and public amenities such as school and park sites. The intent of having one FCP was to ensure that as this multi-year project developed in phases, portions would not be left uncovered by an individual FCP and the entire Cabin Branch development would remain in compliance with the Montgomery County Forest Conservation Law.

The Environmental Guidelines, which guide implementation of the SPA regulations, require accelerated reforestation of the SPA stream buffers, and

afforestation of any unforested portions of the stream buffer above and beyond standard forest conservation requirements. Cabin Branch includes land both in and outside of the SPA, however, with tributaries that drain to a common water body, of the Planning Board appropriately treats the planting requirements for Cabin Branch as if the entire development is located within the Clarksburg SPA. Therefore, conditions 1 and 14 of the Infrastructure Site Plan (82005015B) require the Applicant to plant the stream buffers in accordance with the FCP including the Planting Phasing Plan. The Applicant must provide a five-year maintenance period for all planting areas credited toward meeting the forest conservation plan worksheet requirements.

Amendments to the FCP have been approved with site plans approved for Gosnell (820060240), Winchester Phase I (820060290 and 82006029A), Winchester Phase II (820110080), Winchester Phase III (820120150), and amendments to the Infrastructure Site Plan (82005015A, B and C).

Applicable solely to Toll I, Cabin Branch

The FCP amendment required for this Site Plan requires revisions to sheets 1, 3, 4, 32, 40-43, 46- 48, 55- 57, and 62 of the approved FCP. The Subject Property has 44.0 acres of existing forest, and the Applicant is clearing 30.8 acres. This update or revision to the FCP is consistent with the originally approved FCP.

Final Water Quality Plan and Environmental Guidelines for the Protection of Streams, Buffers, Wetlands, Floodplains, and Seeps

As part of the requirements of the SPA Law, a SPA Water Quality Plan should be reviewed in conjunction with a Preliminary Plan of subdivision or Site Plan. MCDPS and the Planning Board have different responsibilities in the review of a water quality plan.

MCDPS has reviewed and approved the technical elements of the water quantity and quality control facilities including engineering and design. The Planning Board's responsibility is to determine if SPA forest conservation planting requirements, environmental buffer protection, and site imperviousness limits have been addressed or satisfied.

The Site Plan, as conditioned for the SPA Water Quality Plan and Forest Conservation Plan meets all requirements of Chapter 22A (regarding forest conservation) and Chapter 19 (regarding water resource protection).

With regard to a final water quality plan, the Planning Board has Primary responsibility for:

- (i) Conformity with all policies in the Planning Board's Environmental Guidelines which apply to SPAs;
- (ii) Conformity with any policy or requirement for SPAs, including limits on impervious area, in a land use plan, watershed plan, or the Comprehensive Water Supply and Sewer System Plan; and
- (iii) Any other element of the plan in which the Planning Board has primary approval responsibility.

Applicable to entire Cabin Branch Development, including Toll I, Cabin Branch

The NRI/FSD for the various properties, which make up the Cabin Branch Development, are included in the FCP and were used to identify the environmental buffers, including wetlands, wetland buffers, floodplains, streams and stream buffers and can be expanded to include steep slopes. As part of the Environmental Guidelines, the unforested stream buffer within the SPA must be reforested. The Applicant will place forest conservation easements on the environmental buffers, and all forest planting and retention areas.

One of the performance goals for the final Water Quality Plan for Cabin Branch is to protect springs, seeps, and wetlands. The Planning Board is responsible to protect environmental elements through the delineation of stream and wetland buffers. Conservation easements are recommended over all streams and wetlands identified on the approved NRI/FSD.

This Site Plan is in compliance with the Environmental Guidelines and has no forested environmental buffer impacts beyond what is required for the pond outfalls and safe conveyance of discharge. All areas of environmental buffers that are not required for the pond outfalls and safe conveyance of discharge or other utility easements will be placed into Category I conservation easements and forested.

Applicable solely to Toll I, Cabin Branch

This site contains 44.0-acres of forest, 0.98 acres of wetlands, 2.6 acres of floodplain, 9.6 acres of stream valley buffer, and one perennial stream. The Site Plan requires certain stormwater management related encroachments into the stream buffers to meet stringent Maryland Department of the Environment design criteria for the safe conveyance of discharge which were adopted with Site Plan No. 820120150, Winchester Phase 3. Additionally, the Applicant has shown some temporary grading impacts to areas of unforested environmental buffers. As part of the FCP and water quality plan, all of the environmental buffers not restricted by other easements, such as WSSC easements, will be reforested.

This Site Plan is in compliance with the Environmental Guidelines and has no forested environmental buffer impacts beyond what is required for the pond

outfalls and safe conveyance of discharge. All areas of environmental buffers that are not required for the pond outfalls and safe conveyance of discharge or other utility easements will be placed into Category I conservation easements and forested.

Site Imperviousness

There are no impervious limitations within this portion of the Clarksburg SPA; however, the SPA regulations encourage the Applicant to reduce imperviousness. As part of the preliminary Water Quality Plan for Cabin Branch a goal of less than 45% imperviousness was established.

This Site Plan indicates an impervious level of approximately 42% with approximately 34 acres of impervious surface and is therefore consistent with the approved preliminary/final water quality plan estimates. The Cabin Branch Development is on course to remain below an aggregate level of 45% imperviousness.

MCDPS conditionally approved the elements of the final water quality plan under their purview on December 9, 2009 and reconfirmed on March 14, 2013.

The Planning Board find that the SPA Final Water Quality Plan conforms to the Environmental Guidelines, adequately protects the sensitive features on the Subject Property, and maintains impervious levels consistent with the original approvals.

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

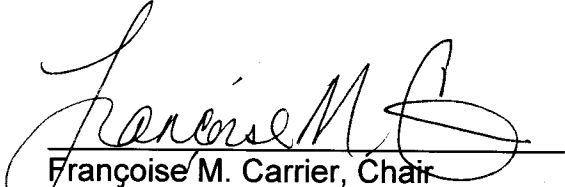
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Anderson present and voting in favor, and Commissioners Dreyfuss and Presley absent, at its regular meeting held on Tuesday, April 23, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board